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VIEWS AND REVIEWS

I

WE need a thousand new members and we need them badly.

Many of this band of one thousand walk unrecognized among your friends and acquaintances. Like Diogenes, why not take your lantern and go out in search of them.

As the light of your discriminating glance falls on your group of friends and acquaintances quickly write down on the loose leaf in the front of this issue the names and addresses of those who are interested or should be interested in jacking up tottering systems of government and in cleaning up the town generally.

Diogenes sought an honest man, we include the women. They are shouldering political responsibility. The League needs them.

In November we will report the number of members sending names and the number of names sent. Later in the report of the number of members secured will come the sporting test of the power of your light!

II

THOSE interested in a more abundant city life should receive a vast encouragement from the favorable attitude of the courts towards building zone regulations as expressed in decisions this year. In January, the Minnesota supreme court reversed an earlier opinion and declared that the exclusion of undesirable buildings from affected districts by means of eminent domain and the payment of compensation constituted a "public use." In May, the Massachusetts supreme court in an advisory opinion held that a comprehensive zoning act would be constitutional, should the legislature see fit to pass one.

In July, the court of last resort in New York sustained the New York city zoning ordinance in these words:

"In a great metropolis like New York, in which the public health, welfare, convenience and common good are to be considered, I am of the opinion that the resolution was not an encumbrance, since it was a proper exercise of the police power."

III

Is the direct primary for the nomination of state and local officials to suffer because of the prevailing disrepute of the presidential primary? Signs are not wanting that attempts will be repeated in several states this winter to nullify the present effectiveness of the direct primary. Thus may be accomplished by indirection

what politicians may not dare to do directly through a wholesale return to the old convention system. For with all its faults the people regard the primary more highly than the party convention.

The devices of direct primaries and non-partizan elections, welcomed so eagerly a decade or two ago, have not cured the ailments of our body politic. Politics is at bottom human nature, and a sound realism teaches us the vanity of trust in political cure-alls. Yet a party boss of the "sinister" type admitted the other day in private conversation that the direct primary and non-partizan election made it harder to hold the organization together and therefore he intended to bring about their repeal by the legislature of his state.

The crux of the scientific criticism of the direct primary seems to be in the lack of responsibility for the nominations so made, in view of the indifference of the better type of citizen to the primary, and the extreme probability that the successful candidate will be a minority choice. The machine is not seen at work, neither do results indicate clearly the part which it played.

Our great failure has been our inability to drive the machine into the open. This has been due largely to our unwillingness to accept government by party as a desirable situation. As a people we have been guilty of immature idealism. In New York an unofficial party convention names a candidate for governor. The same process takes place in each assembly district in selecting candidates for the legislature. The practice of unofficial conventions prevails in other states as well, and the primary follows the choice of the convention. The trouble is that the conventions are unofficial and irresponsible.

The solution lies in recognizing the party organization in law and thereby fixing responsibility for its selection of candidates, with opportunity for dissatisfied persons to appeal to the rank and file through a direct primary in case they believe the organization did not faithfully reflect the will of the party.

IV

Our statesmen, especially candidates for office, are quite willing to admit that the housing situation affords a legitimate opportunity for the exercise of the police power of the state. In the meantime the housing shortage grows more acute. New York reports that 75,000 new homes are needed at once; Chicago, 50,000; Detroit, 30,000; and other cities in similar ratios.

But how can the states and cities help when all economic forces are set the other way? One proposal is to exempt incomes from mortgages up to say $40,000 from the income tax. To this it is objected that mortgages paying 6 per cent or more if exempt as to income tax would offer no attraction to investors in view of present opportunities for investment elsewhere. The proposal to exempt new dwellings from taxation of any kind has been strenuously opposed by Mr. H. Otto H. Kahn on the ground that it will further increase the confusion of our tax system.

The cure is cheaper credit, cheaper materials and more effective labor. To supply the first a federal mortgage bank has been suggested, with building and loan associations, co-operative building associations and limited dividend companies as the intermediary agencies, after the analogy of the federal farm loan act. The success of the rural credits act of South Dakota, in force for some years past, inspired

the legislature to submit an amendment to the constitution authorizing similar aid to urban building. Last summer, Italy by royal decree authorized the establishment of a National Building Credit Institute to extend financial aid to builders of dwellings not of a luxury character; interest on loans not to exceed 6 per cent.

But cheap and easy credit alone will not suffice. If the housing problem is as serious as we have been told, it is time that the government recognized its full responsibility with respect to working class housing. Public subsidies in the way of tax exemptions or otherwise may be necessary, but if it be also necessary to ration the distribution of building materials through a return to the system of priorities we should accept the heroic remedy.

If, as the politicians say, housing is a matter for the police power, it is time they gave it some real thought.

H. W. Dodds.

TOLEDO'S PERENNIAL STREET RAILWAY PROBLEM[1]

BY WENDELL F. JOHNSON

Secretary, Toledo Commission of Publicity and Efficiency

THE Toledo street railway company withdrew its cars from the city in the fall of 1919 and later service was renewed by order of the federal judge of the district, following approval of an ouster ordinance. The date of the ouster was extended and a joint street railway advisory commission was appointed. One branch prepared a franchise based on the cost of service idea while the other prepared a plan for a municipally owned and operated system. The former commission finally deadlocked on the valuation of the system but the latter submitted legislation for a bond issue, together with a report, to the city council on May 24, 1920. The measure was superseded by two ordinances, one for "acquiring" and the other for "constructing" a system.

The fate of the Toledo street railways still hangs, undecided, in the balance. The city's street transportation problem, which has perplexed the people, the company and the city government for the last twenty years, remains unsolved, after the failure of the latest attempt at a solution.

This latest attempt took the form of a proposal for the issue of $7,000,000 of municipal bonds with which to finance the acquisition of a city-owned transportation system. The proposal was submitted to vote at the primary election, August 10, and was defeated by a vote of approximately 8,000 for and 12,000 against.

[1] See earlier article, NATIONAL MUNICIPAL REVIEW, August, 1920, p. 514.

It is safe to say that the result of the election was a distinct surprise not only to the municipal ownership group but to the opposition as well. Friends of the municipal ownership project account for the defeat by the following possible factors:

1. The small vote. Because it was a primary election, and not a general election, only about 45 per cent of the registered voters participated. The usual city vote is 45,000.

2. Over-confidence on the part of the municipal ownership advocates. Many neglected to vote, because they were so certain of a favorable result.

3. Doubt as to the validity of the bond ordinances. An injunction against the election had been granted by the United States district court on the ground that certain procedure required by the city charter had not been complied with. The order was later suspended by the federal court of appeals, but the cloud cast upon the validity of the ordinances caused confusion and did irreparable damage to the municipal ownership cause.

4. A campaign of misrepresentation carried on by two reactionary opposition newspapers, in which the slogan, "A mortgage on the homes of the taxpayers," was repeatedly kept before the public. It was a campaign in which public-spirited civic-minded citizens who had espoused the cause of public ownership were subjected to all manner of ridicule, aspersion, and abuse. Hints of personal interest in the expenditure of the proposed $7,000,000,

made subtly against men whose reputations were beyond reproach, were thrown out again and again, until the suspicions they sought to engender took root and thrived.

If the vote on the ordinances was really representative of the sentiment throughout the city, the election was but a repetition of the old story: municipal ownership of public utilities is all right if the city doesn't have to pay for them. That is the only possible basis for the bug-bear of "a mortgage on every home." It was not the first time that a city has turned down concrete proposals for purchase of a utility, after it has repeatedly approved the general principle of municipal ownership.

If, on the other hand, the vote did not correctly guage public sentiment on the bond issues, then the election means only that the trend toward city ownership has met a temporary obstacle which will eventually be overcome. The test of the question will come soon. For it is now planned to submit at the November election a proposed cost-plus franchise, which was prepared contemporaneously with the municipal ownership plan but which was not submitted to vote because the company had declined to accept it.

This franchise was finally agreed to by the company, under the pressure of the forthcoming bond elections. Their acceptance paves the way for submission of the proposed grant to a popular vote at the general election in November. Legislation for that purpose has been passed by the City Council, together with legislation to re-submit the two bond issues defeated in August. Toledo will therefore have an opportunity on November 2nd to choose between two alternatives: a grant to the present company, or a municipal transportation system.

ASHTABULA'S ATTACK ON P. R. AND THE CITY MANAGER

BY EARL WILLIS CRECRAFT

Professor of Political Science, University of Akron

An amendment to the city charter of Ashtabula, abolishing P. R. and the city manager plan, has been submitted by popular petition and will come to vote in November. :: :: :: :: :: ::

I

FRIENDS of the city manager plan in Ohio have been interested in the reports coming from Ashtabula that that city is going back to the old mayor and council plan of government. Representing the bureau of municipal research in Akron, where the city manager plan is in its infancy, the writer went to Ashtabula to acquire first-hand information.

Among those interviewed in Ashtabula, were the city manager, the city clerk, two members of the council, a former member of the council, the postmaster, the secretary of the chamber of commerce, and one newspaper editor. All of these agreed, irrespective of party, that the city manager plan was an improvement over the old form of city government. Likewise they agreed that it was the Hare system of proportional representation that was not so

successful; and fear was expressed lest the latter's unpopularity might cause the city manager plan to be voted out in the near future, since the two are very closely related.

Whatever strength the movement to do away with the manager plan and the Hare proportional representation plan has, can best be understood by beginning with the political background in Ashtabula. There is a certain amount of discontent on the part of the voters at present with the poor gas supply and with the inadequate street car service. The council and city manager have had both of these problems on their hands.

The council has as yet been unable to accomplish anything besides hold sessions. Action has not been forthcoming. The popular dissatisfaction at the moment seemed to appeal to one of Ashtabula's professional politicians who aspires to go to congress, and he has proceeded to capitalize it. Assisted by some young lawyers who would like to be elected to the office of city solicitor, if that office could be made elective and thus taken from the appointive power of the city manager, the group has caused a petition to be circulated calling for an amendment to the charter which, if adopted, will abolish the city manager plan and place the appointive offices once more on the elective list.

II

As stated above, the Hare proportional representation plan has not been satisfactory. It is blamed at present for having produced the kind of council that the city now has. Two Italians and one Swede are on the present council and it is stated that the Italian representation is out of proportion to the number of Italians in the city. One member of the council stated, on the morning after a long and wearisome session held to discuss the street car situation, that certain members of the council did not seem to be able to comprehend such terms as "sinking fund" and "depreciation." Certainly the Ashtabula council is not giving entire satisfaction.

If this is true, in fairness it should perhaps be realized that the fault may lie not so much in the Hare plan, as in the fact that it is difficult to get the kind of councilmen the city needs to stand for election. This is the view that a former councilman in Ashtabula holds. This councilman, who was himself defeated under the present election plan, is nevertheless favorable to proportional representation, and is an impartial critic.

However, the petition that was circulated as a result of these combined circumstances, calls for a return to the old type of government and the elimination of the Hare system of voting. One of the prominent men of Ashtabula states that on investigation it was found that many people signed the petition under the impression that it called for a change on the Hare plan alone, and that it did not affect the city manager plan at all. This statement is affirmed by most of the other persons interviewed.

III

The petition is now (July 16) in the city clerk's office, and, unless something is done to separate the two propositions, they will both go before the voters at a special election, or at the general election in November, the latter being more likely.

One of the best informed men in Ashtabula says that it will be possible to defeat the proposed charter amendment if the fight is made upon it by those who favor the city manager plan

and who wish to save it. In this event, he states, the Hare plan may also be saved.

This view was not shared by most of the others interviewed. It was their belief that the unpopularity of the Hare proportional representation plan would result in the defeat of both. Meanwhile, the friends of the city manager plan have become active. An open discussion was held at the chamber of commerce in which both sides were invited to present their views. If there were any present who were opposed to the city manager plan, they did not have anything to say. All the talks made were by those who were convinced that the plan was an improvement over the old plan.

At this meeting the city manager gave some facts to show what he had accomplished during his term in office. The city bonded debt had been reduced from $458,340 to $448,050, and the sinking fund increased from $47,585 to $128,032. With prices increasing at a rapid rate, the city manager stated, Ashtabula, under business-like methods, had been able to live within its income, a thing which very few Ohio cities have been able to do.

A former mayor of the city, speaking at the same meeting, defended the city manager plan by showing that in the matter of sidewalk improvements, the city manager was able to get improvements done more quickly. In the work of improving streets, also, testimony was gathered that the manager had made marked headway.

Returning to the council, the lack of co-operation between the members of the council themselves and between the council and the manager is believed to be the result of a system of election which produces such a variety of interests and nationalities. While the council may be representative in a way, it is not a body that works smoothly. It lacks what may be called a sense of collective responsibility to the public.

One city official stated that it was a regular occurrence for the presiding officer of the council to call for a motion, if any member had one to offer, declaring the term of any appointive official of the council at an end. A roll call of the appointive officials would then be held and a resolution would be offered declaring the office vacant, in any case where a councilman had such a motion to offer. Such resolutions were offered at a council meeting some time ago in the case of every appointive city official, with the exception of the city clerk; but the necessary number of votes was in no case secured. A councilman, it is stated, is likely to permit some petty personal feeling to induce him to vote for the removal of an official at any time. Such a practice discloses a condition which may account for the lack of aggressiveness that is sometimes pointed out as a fault of the present city manager.

While he is commended by many for the things he has accomplished, the manager comes in for some criticism. It is pointed out by a council member that he should make definite recommendations to the council, and that he should not confine himself so much to office details. These and other criticisms seem to indicate that there is need for determining more correctly the relationship between the city manager and the council.

IV

The city manager in Ashtabula, as in Akron, is a local man. The belief seems to be common that there is no place where trained city managers can be found, and that a local man is the best proposition on that account. The city manager plan in any city

will be more likely to be successful, if facilities for training city managers are developed and made use of in the future.

While the present article is not an attempt to produce an array of facts to substantiate some of the statements contained, it is intended to set down as accurately as possible what was gathered in a short period of one day spent in Ashtabula, the city which first adopted proportional representation and which has been under the city manager plan since 1914.

WHITE PLAINS LOOKS AHEAD

BY HERBERT S. SWAN[1]

White Plains adopts zoning to guide its growth while its future is still in front of it instead of waiting until its development is ruined and then making a post mortem. :: :: :: :: ::

I

More than a hundred thousand commuters travel on trains to and from New York every day. With their families these persons represent half a million New Yorkers living as far as forty miles away but yet as much an integral part of the city as if they lived on Central Park West—earning their livelihood in the skyscraper district, shopping on Fifth Avenue, reading metropolitan newspapers, attending Times Square theatres, belonging to Manhattan clubs—New Yorkers in every sense of the word, though scattered among eleven counties of three different states—Bergen, Essex, Hudson, Passaic and Union counties of New Jersey; Fairfield county of Connecticut; and Westchester, Nassau, Orange, Rockland and Putnam counties of New York. Of this large population, 17 per cent maintain their dormitories on Long Island; 30 per cent in Connecticut and the two counties of New York east of the Hudson; and 53 per cent in New Jersey and the two counties of New York west of the Hudson.

White Plains, one of the finest commuting suburbs in the vicinity of New York, is located in Westchester county, twenty-two miles north of the Grand Central station, a distance covered by the electric trains on the Harlem river division of the New York Central Railroad in thirty-eight minutes, a briefer time period from 42d street than Washington Heights is from Wall street.

II

The high class, residential character of White Plains has been established solely through the mutual forbearance and self-restraint of her real estate owners. It has not developed through any legal protection afforded by the city in the past, for so far as the city has cared a man might do anything with his property.

Buildings could everywhere be erected to any height, the only limit was the sky. An apartment, store, factory or garage could be built anywhere,

[1] Secretary, Zoning Committee, New York; Consultant, Zoning Commission, Newark, New Jersey; Consultant, Zoning Commission, Yonkers, New York; Consultant, City Planning Commission, White Plains, New York; Consultant, Zoning Committee, Cliffside, New Jersey; Consultant, Zoning Commission, Montclair, New Jersey.

whether it was alongside a home, a church, a hospital or a school. It was a case of triumphant democracy, no lot was too good for any use and no use inappropriate for any lot. A builder might, in building his home, leave a space, if he so preferred, between the house and the lot line but he didn't have to, and if he did, it could be of any width, six inches being equally as good as six feet in the eyes of the law. Rooms were not required to have windows, dark rooms might be built, but if windows were provided a window on the narrowest court or the lot line was just as acceptable to the building inspector as one on a street. In New York, tenements have for the past twenty years been prohibited from occupying more than 70 per cent of an interior lot; in White Plains they could occupy 90 per cent of the lot. The self-restraint and forbearance of her real estate men, not her building regulations, have stamped the development of White Plains.

The population, which is made up almost exclusively of commuters, aggregates 23,000. The city contains absolutely no factories and only such shops as are necessary to cater to the personal needs of the inhabitants.

Of the residential buildings, 88.5 per cent are one-family dwellings; 6 per cent two family dwellings; and 5.5 per cent tenements. Two-thirds of the families reside in private houses; one-twelfth in double houses; and one-fourth in tenements. The average number of families per residential building, whether dwelling or tenement, is only one and one-third. The average number of families per tenement residing in the 156 tenements of the city is only four. Not a single tenement is over four stories in height and, outside the downtown business section, it is the exceptional apartment that occupies more than 50 per cent of the lot. The heavier trades have on their own accord located in the vicinity of the railroad, and stores have almost invariably been built on the natural business streets. Altogether there are probably not more than a dozen business establishments in the city which have depreciated property values through invading residential districts.

III

What abuses, then, have resulted from the lack of control? If a development has occurred without any legal guidance or restraint which in its character is distinctly superior, even superior to that which may be found in communities that have had the most far-reaching regulations for years, why bother with either rules or districts to mould the future city? How will White Plains benefit by zoning? The answer is that zoning will produce a still better community for the evil consequences that flow from complete freedom in building have already commenced to make themselves felt.

Sporadic apartments have invaded private house districts; building lines have occasionally been ignored; here and there an excessive proportion of the lot has been occupied; windows have in some instances been placed on the lot line; and the number of open spaces of an insufficient size for light and ventilation is increasing.

But these lapses are not so numerous nor are they multiplying so rapidly as at present to threaten the preëminently high-class residential character of the city. It is what may at any moment happen on the neighboring lot that is the thorn in the security and happiness of every owner.

The fact that an apartment, a store, a factory or a garage might be built tomorrow on any lot in the city served to dampen the home-owning ardor of

the most enthusiastic resident. The rumored erection of a building that would not comport with the amenities of its environs had more than once terrorized the peace of the community and thrown it into paroxysms of fear less its attractive gardens and cozy homes would be raped by the ugliness of bare brick walls, noisome odors, or harsh grinding wheels, and instances were not unknown where the cold mercenary hand of the exploiter had been stilled only upon the payment of tribute, where the residents had actually ransomed the beauty and quiet of the city by purchasing the offending lot at an exorbitant price, the plundering brigand, however, being left free to prey on his next victim.

It was anticipation of the ruin and devastation that would accompany continued lack of control over building, rather than the actual havoc wrought by unregulated building, that persuaded White Plains that it would be a wise move to adopt zoning. "Why," reasoned the mayor, the city fathers, the planning commission, headed by Mr. Tibbits, who, though he has lived a long time is still very young, being now only seventy-eight, and the local chamber of commerce, "should we wait until the city is ruined before we act?" When some one hinted that it was rank heresy, indeed, an absolutely unheard of thing for a city to indulge in any vision until it had already commenced to perish, the five men and one woman of the council said: "Now we know we are right. A city without vision is like a man without ambition; it flounders and drifts, it drifts and flounders, getting absolutely nowhere. If White Plains is too ignorant or too lazy to plan for its own future, we may find that it will soon have no future to plan for."

And so the city was zoned. Henceforth hit-or-miss haphazard growth must give way to intelligent direction and plan. Unphilosophic anarchy, with all the injury and fatality it inflicts upon development, is a thing of the past. The ceaseless construction, demolition and reconstruction of buildings that occurs in the absence of zoning, the erection of buildings inappropriate to the locality which not only depreciate the value of neighboring buildings but which in their turn will have their own value depreciated by other buildings harmful to them—this has been replaced by system, law, order; in brief, by a comprehensive, city-wide building plan in which each building is not only given its proper place but protected against all future buildings improperly placed.

The present value of the plan viewed in dollars and cents to real estate is estimated at over a million, but viewed in civic progress and achievement, its value is beyond appraisal; the cornerstone of solid future growth has at last been laid, a vision of a fairer, nobler, better city seen, and the first step towards its realization taken.

SOLDIER BONUS LEGISLATION IN THE UNITED STATES

BY RUTH MONTGOMERY

Sub-Librarian, Legislative Reference Section New York State Library

"In order to promote the spirit of patriotism and loyalty, in testimony of the gratitude of the commonwealth, and in recognition of the services of certain residents of Massachusetts in the army and navy of the United States during the war with Germany, to the full extent of the demands made upon them and of their opportunity, the payments hereinafter specified are hereby authorized."

"As a token of the appreciation of the character and spirit of their patriotic service and to perpetuate such appreciation as a part of the history of Wisconsin."

These two preambles to the laws of Massachusetts and Wisconsin, respectively, show the motive behind the action of states in providing some sort of concrete evidence of their appreciation. This has taken many forms from the opening of soldiers' homes to veterans and the waiving of a license fee for peddling to the important one of an actual bonus of cash or aid in educational preparation or relief.

CASH BONUS IN EFFECT

Massachusetts, Minnesota, New Hampshire and Wisconsin have already passed laws granting sums of money without qualification as to its use. The laws of the states are similar in most respects differing chiefly in the amount and method of raising the funds for meeting the payment of bonds issued. In each case, a dishonorable discharge or conscientious or other objection to any military law or order disqualifies the soldier. Men in the S. A. T. C. are not included in the bonus provisions. In case of death heirs or dependents are entitled to the benefits of the act. As early as 1917, Massachusetts passed a law authorizing the payment of $10 to non-commissioned officers and privates for each month of service between February 3, 1917, and January 5, 1918. A bond issue of $1,500,000 was made to meet this loan. By an act in 1919, Massachusetts will pay to all officers, enlisted men, field clerks and nurses in active service between February 3, 1917, and November 11, 1918, who were residents of the state six months prior to enlistment, the sum of $100. The treasurer and receiver general are authorized to issue bonds as needed not to exceed $2,000,000. The amount necessary to pay the principal and interest is to be raised by the assessment of a poll tax on males over 20 years of age, $5 from 1920 to 1923, and $2 thereafter. Persons entitled to the bonus need not pay this tax. A special tax of $3 for every poll is to be levied on each city and town from 1920 to 1923. Any balance which may be needed will be raised from special taxes levied as the legislature may direct.

Minnesota will pay to all residents of Minnesota who were a part of the military and naval service of the United States or any of the nations associated with the United States the sum of $15 for every month of service between April 6, 1917, and the con-

clusion of peace with Germany, $50 being the minimum bonus. A soldiers' bonus board is created consisting of the auditor, treasurer and adjutant-general. This board is authorized to issue certificates of indebtedness to an amount not to exceed $20,000,000, drawing interest at 5 per cent per annum. The proceeds of the sale of these certificates are paid into a fund called the soldiers' bonus fund. To provide for the payment of the interest and principal of certificates the auditor is authorized to levy a tax of $2,000,000 for nine years.

New Hampshire will pay to any resident of New Hampshire, serving in the military or naval forces of the United States or allied countries, the sum of $100. In the original law of March, 1919, $30 was the amount determined upon but in special session in September an additional $70 was allowed. The treasurer is empowered to borrow money and issue notes to carry out the provisions of the act. For the $30 bonus a special tax of $600,000 is to be levied; for the $70 bonus an additional $2 poll tax will provide a sinking fund for the $15,000,000 loan required to meet it.

Wisconsin has created a service recognition board, consisting of the governor, the adjutant-general and a returned soldier appointed by the governor. This is the administrative board which cares for the payment of the bonus to each resident of Wisconsin serving in the armed forces of the United States, including Red Cross nurses. The bonus amounts to $10 for each month in service, with $50 as a minimum. A tax not exceeding three mills on the dollar and an income surtax provides the fund which aggregates approximately $15,000,000. The proposition was submitted to the people at a special election in September and carried.

PROPOSED CASH BONUS

The legislatures of Maine, New Jersey, New York, and Rhode Island have passed laws subject to the approval of the people in fall elections which provide for the payment of a cash bonus.

On the adoption of an amendment to the constitution allowing the issuing of state bonds for a bonus, Maine proposes to pay to all officers, enlisted men and nurses the sum of $100. Bonds will be issued to the extent of $3,000,000 maturing in 10 years. Amounts necessary to meet the principal of the bonds will be raised by an annual tax of $300,000 plus an amount sufficient to meet the interest. A soldiers' bonus board, composed of the auditor, treasurer and adjutant-general, will administer the fund.

New Jersey will vote in the November election on a bond issue of $12,000,000 to pay all persons regularly enlisted in the military and naval forces between March 25, 1917, and November 11, 1918, $10 a month for each month in service, $100 being the maximum bonus. The bonds, which will run for 20 years at 5 per cent, will be redeemed by a soldiers' bonus tax levied on the real and personal property in each county. The administrative board will be made up of the comptroller, treasurer, and adjutant-general and a returned soldier selected by the three.

New York will also vote in November on a bond issue of $45,000,000 to pay each person who was and is now a resident of the state who served actively in the military or naval forces between April 6, 1917, and November 11, 1918, for a period longer than two months, $10 a month for each month in service, $250 being the maximum bonus. Officers of the army and marines above the rank of captain and

of the navy above the rank of senior lieutenant are not eligible. A clause in the act provides for a fund to be established for use in aiding persons disabled in service. A special commission appointed by the legislature will administer the fund.

On the approval of a bond issue each person in the military and naval service, including women yeomen, who were residents of Rhode Island at least six months before enlistment and who served between April 6, 1917, and November 11, 1918, will receive $100 from the state. The fund is to be raised by a bond issue of $2,500,000, bonds maturing in 25 years and bearing interest at 4½ per cent. Three citizens of the state, one a returned soldier, will administer the fund.

EDUCATION BONUS

Another form which has been used as an evidence of appreciation is the payment of money for educational purposes only. Taking for granted that the proposed laws will be approved, the same number of states have provided this sort of reward. Minnesota, New York and Wisconsin have educational aid in addition to the cash bonus, the law of Wisconsin being particularly noteworthy.

The plan in Colorado is to lend $200 to any returned soldier or sailor who was in the military or naval forces of the United States during 1917 and 1918, the money to be used only for the expense of vocational or other education in some Colorado school. The qualifications of the applicant are passed upon by the education loan board, composed of the governor, treasurer and superintendent of public instruction. A promissory note is given by the applicant payable to the state at the end of five years, with interest at the legal rate beginning three years after the date of the note. Two hundred thousand dollars have been appropriated to carry out the provisions of the act.

All residents of Illinois serving in the military or naval forces and possessing the necessary entrance requirements are awarded normal school scholarships or University of Illinois scholarships. Any person who was already studying in these institutions at the time of enlistment is entitled to complete his course without tuition or matriculation charges. Four years is the time limit for these scholarships.

Iowa has made no other provision than to permit a soldier, sailor or marine "to attend public schools as many months after becoming 21 years of age as they have spent in the military and naval service of the United States before they became 21."

In Minnesota it is optional with the individual whether he accepts the cash bonus or the scholarship of $200. If the bonus exceeds the scholarship he is entitled to the difference. The money is to be used for a course in the University of Minnesota, in the normal schools or any approved Minnesota educational institution, or if the student at the time of induction into military service was enrolled in a college outside the state he may resume his studies therein and receive the benefits of the scholarship. Any tuition already paid is refunded. The provisions of the act apply to Red Cross workers as well as to persons in actual military or naval service.

In 1919 450 scholarships were established in New York for the benefit of resident soldiers, sailors and marines in the service of the United States meeting the necessary entrance requirements. Competitive examinations are held once a year for the selection of students. They may enter any institutions in the state. The scholar-

ships amount to $100 for tuition and $100 for maintenance. The law was amended in 1920 to extend the provisions to nurses. One hundred and fifty scholarships had been allowed at the time of the amendment, 150 more are to be granted on July 1, 1920, and on July 1, 1921. The same individual may receive benefits under this act for three years. Already $90,000 has been appropriated.

North Dakota has levied a tax of one-half mill for a special "returned soldiers' fund." From this will be paid to any honorably discharged soldier or sailor who has served during the war with Germany $25 for every month in service. The law stipulates that this money must be used for acquiring a town or farm home or for the completion of his education. The adjutant-general and state industrial commission co-operate in the administration of the law.

Oregon has by a referendum vote established a system of educational aid under close supervision. A levy of two tenths of a mill on the dollar creates the fund from which all honorably discharged persons, exclusive of those doing civilian work or in the S. A. T. C., are entitled to receive not more than $200 a year to be used in defraying expenses of their education in any institution within the state. The same individuals are entitled to this amount for four years. To receive full bonus the applicant must carry at least 60 hours of work a month. The executive head of an institution is required to file a monthly statement with the secretary of state showing record of attendance, hours of recitation and progress of student. The superintendent of public instruction is required to investigate from time to time institutions in which soldiers are enrolled.

South Dakota has appropriated $15,000 to pay tuition of any resident of the state who served in the army or navy during the war, including Red Cross nurses. Courses may be taken in any school under the control of the state board of regents.

In Utah and Washington payment of certain fees is not required of ex-service men for attendance at the Agricultural College of Utah or at the University of Washington.

Up to July, 1924, Wisconsin will pay $30 a month to any resident of the state who served at least three months with the United States military or naval forces, including nurses, except those men in the S. A. T. C. and those doing civilian work. The money is to be used for the continuation of education at any educational institution in the state,—elementary, higher or vocational. It is to be paid only while in regular attendance at school and the total is not to exceed $1,080. Provision is made for payment for attendance at any school in the country if training desired is not available in the state. The bonus is authorized for only one year but may be renewed three times if progress has been satisfactory. The funds for this bonus are raised by a tax of one mill on the dollar of assessed valuation for five years and a surtax on incomes of individuals and corporations. A veteran is not entitled to this bonus in addition to the cash bonus, he must elect the one he cares to receive. Correspondence courses may be taken free by any person who is qualified for either this or the cash bonus.

RELIEF FUNDS

Two states, Connecticut and Wisconsin, have funds for the relief of ex-service men. Connecticut has authorized her treasurer to buy United States bonds to the amount of $2,500,-

000. The interest from this is turned over to the treasurer of a state organization of soldiers, sailors or marines and paid through him to any member or his dependents who may be in need of food, clothing, medical attention or other aid. Wisconsin again expresses her appreciation by making an appropriation of $2,500,000, from which $30 a month may be expended for the relief or support of sick, or disabled soldiers and sailors.

EFFECT OF FARE INCREASES UPON STREET RAILWAY TRAFFIC AND REVENUES

BY DELOS F. WILCOX, PH.D.
New York City

Under the service-at-cost franchise, recently endorsed by the Federal Electric Railways Commission, rates are regulated by costs. But will higher fares bring increased returns sufficient to solve the financial difficulties of our street railways without impairing their usefulness as a public utility? :: :: :: :: :: :: :: :: ::

The Federal Electric Railways Commission, in its report to the President, says:

> Unless the usefulness of the electric railways is to be sacrificed, public control must be flexible enough to enable them to secure sufficient revenues to pay the entire cost of the service rendered, including the necessary cost of both capital and labor.

The commission favors private ownership and management, and is opposed to public subsidies unless they are "imperatively necessary for the preservation of an essential service, and only as an emergency measure." The commission also says:

> It is of the highest importance that both the total cost of the service and the cost to the individuals who use it shall be kept as low as possible without injustice to those who take part in producing it.

The commission recommends an indeterminate franchise and "service-at-cost" with no top limit on rates.

With the upward sweep of prices and wages constantly mounting, the "vicious circle" has a cumulative effect upon fares. The solution of the financial problem of the street railways would be comparatively easy, if all that was required was to raise the rates. But even though street railway service has been regarded as essentially monopolistic, the advent of the jitney bus has largely destroyed its monopoly character in many communities, and anyhow a large part of the traffic handled by street cars is known as "convenience" traffic. Local transportation facilities are no doubt essential to every large urban community, but not all the transportation service taken is essential in the sense that people have to take the rides no matter what they cost. It is a commonplace in street railway philosophy that short-haul and off-peak riders are the most profitable, if the cars can only get a lot of them. An increase in unit fares tends to diminish, or at least to check the development of, these kinds of traffic. And so we have a very pretty problem in street railway operation. The increase in unit fares, which seems so simple and so logical a remedy where costs have increased, may have the double effect of "killing the goose that

lays the golden egg" for the operators, and of so restricting the usefulness of the cars as to destroy their character as a public utility for general convenience.

Upon undertaking for the Federal Electric Railways Commission an analysis of the testimony taken at its public hearings, I found that the record did not contain sufficient data in relation to the effect of fare increases to make possible any clear and certain judgment upon this all-important point. Therefore, I arranged with the secretary to get for me, through a special questionnaire addressed to all of the principal street railway systems of the country, detailed information showing month by month from January 1, 1917, to the date of the inquiry the number of revenue passengers carried, the amount of passenger revenue collected, the dates and exact nature of fare changes, the dates, extent and duration of strikes and a statement of other special causes of a local character having a marked effect upon traffic. From these data it was possible to compare fare changes and growth in traffic and revenues, for the first nine months of 1919 with the first nine months of 1917, on systems which together carried more than 75 per cent of the street railway traffic of the country. The year 1918 was left out of consideration because traffic during that year was abnormally low except in spots. Even as between 1917 and 1919 the results on particular systems show great variations. For example Minneapolis, with no increase in fare, showed an increase of only 3 per cent in traffic, whereas Washington, with an increase of 19½ per cent in the average fare paid, nevertheless showed an increase of more than 46 per cent in traffic. This great difference was undoubtedly due to the fact that Washington was swarming with people all through the war and demobilization periods. Where war activities were exceptionally intense, the tide of traffic seemed to sweep over the barriers of fare increases without let or hindrance.

In order to draw reliable conclusions from the available data, it seemed necessary to get a mass effect, and so the transportation areas or systems were divided into four groups, as follows:

Group A, where fares were not increased more than 3 per cent.

Group B, where fares were increased between 3 and 10 per cent.

Group C, where fares were increased between 10 and 25 per cent.

Group D, where fares were increased more than 25 per cent.

The results of the analysis are shown in the following table taken from my report to the commission:

GENERAL SUMMARY OF ANALYSIS OF EFFECT OF FARE INCREASES UPON TRAFFIC AND REVENUES OF PRINCIPAL STREET RAILWAY SYSTEMS OF THE UNITED STATES

Class	Number of cities or systems in class	Number of revenue passengers carried 1st 9 months of 1917	Per cent of total electric railway traffic of country	Average fare per revenue passenger 1st 9 months of 1917, cents	Number of revenue passengers carried 1st 9 months of 1919	Average fare per revenue passenger 1st 9 months of 1919, cents	Per cent increase in average fare paid 1st 9 months of 1919 over 1st 9 months of 1917	Per cent increase in number of revenue passengers carried 1st 9 months of 1919 over 1st 9 months of 1917 (D—indicates decrease)	Per cent increase in passenger revenue 1st 9 months of 1919 over 1st 9 months of 1917
A	13	2,465,440,094	29.16	4.93	2,837,238,677	4.95	0.41	15.08	15.65
B	11	908,511,165	10.74	4.98	1,005,987,031	5.31	6.63	10.73	18.11
C	29	1,583,795,790	18.73	5.28	1,689,085,597	6.22	17.80	6.65	25.63
D	15	1,521,714,987	18.00	4.62	1,406,987,088	6.55	41.77	7.54(D)	30.97
All	68	6,479,462,026	76.63	4.95	6,939,298,393	5.64	13.97	7.10	21.96

This table shows pretty clearly the relation of fare increases to increases in traffic and revenue:

	A	B	C	D
Fares increased.....	0.41%	6.63%	17.80%	41.77%
Traffic increased.....	15.08%	10.73%	6.65%—	7.54%
Revenues increased....	15.65%	18.11%	25.63%	30.97%

It is clear from these figures that fare increases did not go far enough in any of the groups of cities to cause a decrease in revenue; but an average increase of approximately 42 per cent in the fares yielded an increase of 31 per cent in revenues, while stationary fares brought in 15 per cent more revenues through normal traffic growth. Translated into plain English, this means that a seven-cent fare would ordinarily bring 15 per cent more revenue than would have been brought in by the five-cent fare during the same period.

A comparison of the results in the eight greatest transportation areas of the country for the first six months of 1919 with the results for the corresponding period of 1917 seems to show the definite effects of fare increases in individual communities, as will appear from another table taken from my report to the commission. In this case, I have included 1918 also in the comparison, and have indicated in the footnotes the status of the fares on each particular system. The growth of jitney traffic in Newark is included for comparison with the decrease of traffic on the Public Service Railway system. The table follows below.

These figures tend to show that unlimited fare increases present a very serious problem from the social point of view, and that a program of continued private management requiring sufficient revenue from the fares to yield a return attractive to new investors has an altogether uncertain future. Some street railway men are of the opinion that as long as the roads need more money fares should be increased up to the point where they yield the maximum revenue that can be extracted

REVENUE PASSENGERS CARRIED ON PRINCIPAL URBAN STREET RAILWAY SYSTEMS FOR THE FIRST SIX MONTHS OF 1917, 1918 AND 1919

System	Revenue passengers January to June, 1917	Revenue passengers January to June, 1918	Revenue passengers January to June, 1919
1. New York Elevated, Subway and Surface Lines	990,535,666 (1)	979,221,796 (1)	1,091,844,103 (1)
2. Chicago			
Elevated Lines	97,203,477 (1)	102,121,490 (1)	95,101,135 (2)
Surface Lines	346,361,384 (1)	328,732,667 (1)	373,938,449 (1)
All Lines	443,564,861	430,854,157	469,039,585
3. Philadelphia Elevated, Subway and Surface Lines	291,942,084 (3)	306,846,686 (3)	348,592,436 (3)
4. Boston Elevated, Subway and Surface Lines	190,250,992 (1)	185,699,883 (1)	168,383,307 (4)
5. Public Service Railway (N. J.)	174,998,110 (1)	175,354,680 (1)	158,214,468 (5)
6. Detroit (one-fare zone)	157,794,827 (6)	132,543,905 (7)	150,643,390 (8)
7. Cleveland	143,766,868 (9)	142,083,699 (10)	139,722,656 (11)
8. Pittsburgh	131,789,642 (1)	116,428,150 (12)	122,319,998 (13)
Newark Jitneys	4,466,377 (14)	7,516,608 (14)	16,249,008 (14)

(1) 5-cent fare with free transfers.
(2) 6-cent fare with free transfers.
(3) 5 cents initial fare with 3 cents exchange tickets at a majority of transfer points.
(4) 8-cent fare with free transfers.
(5) 7-cent fare during 4 months and 28 days, and 6-cent fare during 1 month and 3 days, with 1-cent initial transfer charge during the entire period.
(6) Mixed system of fares; average fare per revenue passenger, 3.62 cents.
(7) Mixed system of fares; average fare per revenue passenger, 4.57 cents.
(8) Mixed system of fares; average fare per revenue passenger, 4.66 cents.
(9) Mixed system of fares; average fare per revenue passenger, 3.40 cents.
(10) Mixed system of fares; average fare per revenue passenger, 3.84 cents.
(11) Mixed system of fares; average fare per revenue passenger, 5.29 cents.
(12) Mixed system of fares—changed twice during period; average fare per revenue passenger, 5.51 cents.
(13) A double zone system; average fare per revenue passenger, 6.27 cents.
(14) 5-cent fare without transfers.

from the pockets of the fare payers. It hardly seems appropriate at this stage of urban development to make ability to sustain itself from the fares collected the touchstone of public necessity in local transportation service. The Federal Electric Railways Commission frowns upon public ownership and operation, and also frowns upon public subsidies. It proposes no upper limit on fares except the cost of the service. In these respects its recommendations are diametrically opposed to the recommendations of the Massachusetts Public Service Commission, based upon the experience of the commonwealth that has had more experience than any other with street railway fare increases. After reviewing the entire situation, the Massachusetts commission in January, 1919, said:

> Viewing the matter in the most favorable light, there is a chance that higher fares will, in time, cure the financial ills of our street railway companies, but the chance does not seem great, and there is no immediate prospect of such a cure. In the meantime the increased rates are injuring the community in ways that are evident.

I do not doubt that moderate fare increases may be effected under some conditions without a seriously adverse effect upon the usefulness of the street cars, but the program to which the electric railways have committed themselves and which, to a marked degree, has received the sanction of the Federal commission is, in my judgment, a perilous one. The Massachusetts commission's view seems to me to be more constructive and more helpful. It says:

> It is difficult, therefore, to escape the conclusion that the only plan which can be really effective in meeting the needs of the existing situation is the outright purchase or taking of the railways by the municipalities or by the commonwealth. Under public ownership there would be no trouble about capital, for the credit of the railways would be the credit of the community. Nor would there be any difficulty as to fares, for the commonwealth could at will continue the present policy of placing the entire burden upon car riders, or shift such portion of this burden as it saw fit to general taxation.

ONTARIO'S FARMER GOVERNMENT

BY J. OTHMAR ROBINSON

Member of the Staff of the Citizens' Research Institute of Canada

The United Farmers of Ontario were victorious at the elections last year and have now been in control through one legislative session. Obviously their program does not contemplate a social revolution. ::

THE present farmers' party in Ontario, Canada, is the culmination of a movement which began as a result of dissatisfaction with economic conditions. The movement on the part of the farmers has gone through the stages of complaining, discernment of the causes of grievances, and organization along economic and finally along political lines.

ECONOMIC CAUSES

It has been the contention of the farmer that he has been unable to earn sufficient money to pay a fair rate of interest on his capital investment and be recouped for his own time and labor. He has understood but little of market conditions which have regulated the prices of goods which he

sold and which he bought. As producer he was the first in the long line through which goods must pass until they reach the consumer and, therefore, received the initial price. As consumer he was the last in that long line and, therefore, was compelled to pay the final price. Hides came back as shoes, wheat came back as flour, and wool came to him in the form of cloth and clothes. Then again the "hired man" gradually disappeared. The comparatively high wages for labor with shorter hours attracted him to the city. Not only did the "hired man" leave the farm, but sons and daughters of farmers as well were attracted to towns and cities principally on acccount of social and educational facilities to be found there. The migration became so general that economists and leading men viewed the growth of cities at the expense of the country with alarm. There is a general belief that the tendency of the teaching in the schools has been to wean the child from farm life, that even in the rural schools the child is educated in preparation for high schools and universities, and that the courses are constructed and textbooks written from the city man's point of view. These economic conditions in the rural districts of Ontario are, perhaps, the underlying cause of the dissatisfaction and unrest of the farmers which manifested themselves in the farmers' movement.

HISTORY OF THE FARMERS' MOVEMENT

The present United Farmers' movement may be said to have its origin in the grange movement which, on this continent, dates back to the year 1866. The astonishing growth of the Granges in the early 70's indicates the grievances (fancied or real) which at that time existed in the minds of the farmer. Unlike the present United Farmers' organization the Granges conscientiously refrained from participation in politics.

The Granges threw the whole weight of their organization into a fight against middlemen and consistently refused to enter the political arena. The tactics adopted were similar to the present tactics of the United Farmers of Ontario, viz., the formation of co-operative buying and selling organizations. Financial failure seems to have killed the spirit of the Grange's movement.

The Farmers' movement developed a temporary political organization separate and distinct from the Grange to fight railroads. A speculative spirit followed the Civil War. Emigration from Europe, together with the disbanding of armies, swelled the great tide seeking the western farm lands. A nation-wide cry for railroads led federal and state governments to make enormous land grants, and municipalities cash bonuses, to induce railroads to build. On account of the Prussian-Austrian and Franco-German wars, wheat brought splendid prices for a time. Later the tremendous increase in the supply of grain, together with the cessation of the wars, brought on financial panic. Wheat dropped in price 33 cents while transportation costs dropped only 9 cents. Grain in the west was then used as fuel while the people in the east went hungry.

THE PATRONS OF INDUSTRY

As a factor in public life the farmers' organization in Ontario subsided until the introduction of the Order of the Patrons of Industry into the County of Lambton, Ontario, from Michigan, about the year 1890. It was composed

principally of farmers, but sought support from those whose interests were identical with farmers. The objects of the order were "to advance the moral, intellectual, social, political and financial conditions of the producing classes in the country, and to generally develop a higher character in those who perform a most important part in providing for the subsistence and advancing the prosperity of every nation."

The means by which they sought to attain their objects was by independent political action. Like former farmers' movements the organization grew rapidly. Companies were incorporated and the stock sold to the farmers. The most notable of these was "The Farmers' Binder Twine and Agricultural Implement Manufacturing Company of Brantford, Ontario." It was able to sell binder twine at that time at one-half the former price and then show a reasonable profit.

The third annual convention of the Ontario Patrons was held on February 27, 1894. Patronism was then acknowledged to be an important factor in Canadian politics, its membership in the Dominion being over 150,000. Their candidate in a by-election for the legislature in North Bruce had recently been elected. For the general elections in the province, which soon followed, 30 candidates were placed in the field and 16 of these elected. The principles on which Patron candidates entered the contest were as follows:

1. Election by popular vote of all county officers, except judges.
2. Abolition of Government House, Toronto.
3. Abolition of the system of the people's representatives receiving special favors from railway corporations in the form of free passes or other favors.
4. The taxing of mortgages, stocks and bonds at their actual value.
5. The repeal of all provincial statutes giving special class privileges.

Their experience in the Dominion elections in 1896 was very disheartening and practically meant what the financial losses in the co-operative ventures meant to the Grange. A national issue arose on the question of separate schools for the Province of Manitoba, which overshadowed the Patrons as a party in the minds of the electorate. The grand president of the order, in an article written in volume V of "Canada—An encyclopædia of the country," states that the grand secretary lent himself to the services of one of the political parties and for this purpose allowed to be published the private correspondence of the grand office: also, that the funds of the organization being locked in his hands were not available for the conduct of the campaign. In the provincial field the party was gradually absorbed by the two other parties and, in a few years, the movement dwindled down to a dormant state.

UNITED FARMERS OF ONTARIO

A few years after the Patrons of Industry era, the provincial government adopted the policy of employing and sending throughout the country men scientifically trained in agricultural pursuits. Farmers were taught new and up-to-date methods of farming. This stimulus to the mind was followed by the formation of local associations or societies by the farmers in many districts of rural Ontario called United Farmers' clubs. Members met, pondered and studied economic problems in relation to the farming industry. A more intelligent grasp of the economic situation was received by the farmer with the result that complaining gave way to organization. The number of United

Farmers' clubs grew rapidly. It is estimated that there are now about 1,600 clubs, with a membership of about 60,000, in the province. A central organization, called the United Farmers of Ontario, initiated and developed a co-operative business of selling goods to the farmers. The business grew from $33,000 turn-over per year to $9,000,000 last year. This year it is expected the turn-over will exceed $1,000,000 per month.

THE PROVINCIAL ELECTIONS OF 1919

It was originally deemed advisable by the United Farmers not to enter the political field but to attend party conventions in order to secure the nomination of candidates who would carry out their views. The loss in faith in politicians and party politics, together with the restlessness which has permeated all classes in post bellum days, was largely responsible for the decision to alter this policy. On October 24, 1919, a by-election was held in the constituency of Manitoulin. The United Farmers entered a candidate who was elected. At another by-election held February 18, 1919, a second candidate was elected. Eight months later general elections for the Ontario legislature were held. Four parties contested the 111 constituencies in the province. The Conservatives, then in control of the government, entered 100 candidates. The Liberal party, formerly the Opposition, entered 68 candidates. The Labor party had 23, and the United Farmers 71 candidates. In the 71 ridings which the Farmers contested they were successful in having 45 elected, although they were opposed by 117 candidates of other parties. Out of a total of 638,247 votes, they polled 273,999, or an average of a fraction over 3,859 votes as against other candidates average of 3,113. Their success is quite remarkable inasmuch as no large well-organized province-wide political organization backed with campaign funds was created to conduct the campaign. Their success seems to be attributable only to local public sentiment. It is apparent that they themselves did not even consider the probability of taking on the responsibilities of government since they entered the field without a recognized leader. The press and usual scores of political prophets predicted victory for either of the two traditional parties, the Conservatives or the Liberals. The result was a surprise to all factions. The standing was: United Farmers, 45 members; Liberals, 29; Conservatives, 25; Labor, 11; and Soldiers, 1 member. The whole political situation in Ontario was thrown into the melting pot. The party with the largest number of members elected was without a leader, largely without political experience and without a clear majority and on the latter account was, therefore, by itself unable to form a government. Nine days following the election Mr. Ernest C. Drury was unanimously chosen as leader at a caucus of the United Farmers members elect. Mr. Drury is reported to have made the following statement on accepting the position as leader: "I do not entertain any fears regarding the situation. It is true we may be lacking in experience but the situation is not one which calls for the fine arts of the politician. . . . Our success, therefore, depends not on political manouvering but on the breadth and fairness of our policy, and on our adherence to the high ideals of democracy and public service which have made this movement a vital thing in the life of the nation."

To obtain the necessary working majority for a government a coalition was formed with the Labor party. Instead, therefore, of a Farmers' government, Ontario has a Farmer-Labor administration. The early actions of the new government are described by the following extract from an editorial of the *Toronto Globe* of November 10, 1919: "Ontario's election produced a political revolution. In cabinet making the province seems to have entered upon a political millennium. Mr. Drury has permitted publication of a statement that not a single member of his following approached him, either directly or indirectly, with a request to be included in the new administration. What kind of politicians are these farmers anyway?"

THE SESSION

The new government entered on its first session on March 9 of this year and completed it on May 28. It was thus of somewhat longer duration than the usual session. The number of measures introduced reached the large total of 259.

In view of the fact that the reins of government were in the hands of men who had no previous parliamentary experience, the administration was surprisingly successful. The outstanding feature was the frank and open attitude adopted by the government and the attempt made to get away from political bickering or sparring for position. The *Toronto Daily Star*, in an editorial in its issue of May 14, reflected a very general opinion in the province with the statement: "The present legislature is the most democratic the province has ever had." The premier, Mr. E. C. Drury, has proven to be a first-class parliamentary leader. The Farmer and Labor members, as a party, represented their own classes of society. That a high conception of the responsibilities of government was entertained by Mr. Drury and his cabinet was proven by their early determination to refrain from class legislation. The Farmers' party made tentative plans to broaden its scope of activity and to get away from any fear of having the movement considered as sectional or devoted to a one-class interest. Mr. Drury is reported in the *Toronto Globe* on October 30, 1919, to have made the following statement: "May we not hope that before long this movement, which has had its birth in one particular class, may expand and broaden till it shall become not merely a Farmers' party, but in a very real sense a people's party."

Although the government's majority in the house is very slim, many crises were met successfully, the most notable of which was the fight on the civil servants' superannuation bill. The central organization of the U. F. O. opposed the measure strenuously, as being class legislation, although the bill was introduced by the Farmers' government. They wrote a circular letter to all the local clubs suggesting that they appeal to their representatives in the house against the bill. Only seven United Farmer members, however, voted against the measure and many voted in defiance of clubs in their ridings. At the time of the division the government had been assured of support from the opposition. The bill would, therefore, have carried and the government would have been saved even if practically every Farmer member had bolted.

LEGISLATION

Revenue: Various measures were enacted to increase the revenue of the province. The chief of these were

(a) increase on race track taxes to $7,500 for mile track and $2,500 for half-mile per day; (b) amendment of the corporation tax act, and (c) increase in succession duties.

Expenditures: The civil servants' superannuation and the mothers' pensions acts call for considerable additional expenditure. According to the provisions of the former a superannuation fund is created. Half of its total will be paid by the civil servants and the balance is supplied by the government. There are, however, 110 servants ready for immediate superannuation and for them the province must provide full superannuation.

The Labor wing of the government seems to have been responsible for several of the more aggressive policies laid down. In fact, the legislation affecting labor was of much larger volume than that dealing with the agricultural industry, although the Labor members in the house were but 11 as against the Farmers' 45. The mothers' pensions act was sponsored and introduced by the Labor wing. Although not the first of its kind in the dominion this legislation has been looked forward to for some years in Ontario.

The Labor wing was successful in procuring legislation in amendment of the workmen's compensation act. The maximum of compensation was increased from 55 per cent to 66⅔ per cent and full compensation to those earning $12 a week and less was provided. An act was passed setting a minimum wage. This act applies only to women other than domestics and farm laborers. The minimum wage is to be established through a board of five members with a personnel of three men and two women. The board will institute investigations for the purpose of ascertaining the conditions prevailing in any class of employment and the scale of wages paid.

Outside of an act to provide loans up to $3,000 for incorporated co-operative societies for the storage and cleaning of seed grain and potatoes and legislation setting forth a comprehensive program of good roads, there was remarkably little legislation of direct interest to the agricultural industry.

In regard to education, decentralization was foreshadowed with larger financial aid and more freedom to local school boards and boards of education.

An ambitious program of work before the next session of the house has been outlined. Special committees will enquire into the whole administration of the Ontario temperance act, proportional representation and the more equitable distribution of hydro-electric power through the province will be considered. At the time of writing, a storm of indignation by the press and many local municipalities has been aroused by the announcement of the cabinet that proceedings of the hydro-electric power commission shall cease in connection with purchase and construction of radial railway lines until a special commission reports as to the probability of the projected railways having earnings sufficient to make them self-supporting and other matters affecting the radial situation.

Whether the United Farmers will survive their political experiences it is difficult to predict. Former farmers' organizations did not survive less difficult situations. In regard to legislation they are on the horns of a dilemma. If they enforce class legislation they will consolidate a strong opposition from urban districts; on the other hand if they do not legislate for their class they will alienate the radical element in the farmers' group.

Again, there is the possibility of a national issue arising which will overshadow and cause a cleavage in the party. This happened with the Patrons of Industry in the dominion elections of 1896. The issue at that juncture was the separate school question.

The responsibilities of governing the province, it is generally conceded, has had a stabilizing influence. It is probable that the radicalism which characterizes class movements will disappear with the increase of responsibilities. Even now, serious thought is being given to the broadening of the scope of the party to take in urban districts and it would seem that a new political party has been born.

THE WEAKNESS OF COMMISSION GOVERNMENT

BY CHARLES M. FASSETT

Ex-Mayor of Spokane

As foreseen in 1914 by our committee on commission government certain imperfections have developed which are remedied in the commission manager form. They are here discussed from the standpoint of actual experience by one who has served several terms as a commissioner.[1] :: :: :: :: :: :: :: ::

LATE in 1910 the commission form charter, which had been prepared by a freeholders' commission of fifteen, was approved by the voters of Spokane, and the five commissioners who had been elected early in 1911 took office on March 14 of that year. Previous to 1911 there had been the usual city government of that day: a mayor and ten councilmen, two elected from each of five wards, and a board of public works consisting of three citizens appointed by the mayor and having charge under him, more or less directed by committees of the council, of the various activities of the city.

A few high-class men had in the past been elected to the city council and an occasional one appointed on the board of public works, but as a rule the character of the latter body had not been high and frequently men of very mediocre ability and questionable motives had dominated its procedure. Petty partizan politics was an everyday feature of the government. There was no civil service law excepting in the police and fire departments, and the appointment of the chiefs of these departments and of heads of, and important positions in, the various other departments was the reward of party or personal fealty to the crowd then in power. Spokane politically was not much better nor much worse than the government of the bulk of American cities, called by Lord Bryce "the conspicuous failure" of our political life.

A small group of earnest men took up the study of the then new commission form, got what information was available from cities where it had been put into use and, having determined upon establishing it in Spokane, used every means available to give it publicity. When the new charter was ready for submission to the voters opposition developed from three principal sources: first, the saloon-keepers, gamblers and those who practiced

[1] For report of committee on the commission form of government see NATIONAL MUNICIPAL REVIEW, vol. iii, p. 44, January, 1914.

or made profit from the various forms of vice common in cities; secondly, the politicians, particularly those forming the government then in power, their hangers-on, heelers and beneficiaries, and thirdly, a considerable number of the active business men of the community, too busy to study the new proposal for themselves, fearful of a change that might hurt business, and easily frightened into opposition at any movement for a "new-fangled" scheme of government. A manifesto was issued over the signatures of over two hundred of them, saying that the proposed new government would be expensive, ineffective, dangerous and altogether impossible.

The new charter, in spite of this opposition, was adopted, but by a rather light majority. It followed closely the charter of Des Moines, Iowa, providing for five commissioners, constituting the city council and each in charge of one of the five departments into which the administrative work of the city was divided. The council chose one of its members as mayor and itself determined which of its members should head each department. The mayor was president of the council and titular head of the city, but otherwise his power was no greater than that of any other commissioner. The salary of the commissioners was $5,000, their term was four years, and they were required to give their whole time to the city's work. The preferential system of voting was used. The schools, parks and public libraries of Spokane are administered by non-salaried separate boards, the former under state law.

THE COMMISSION FORM AN IMPROVEMENT

At the first election of commissioners there were ninety-two candidates, five to be elected. It was a heterogeneous list, including nearly every one officially connected with the old régime, plenty others of like type and capacity, many incompetents attracted by the salary, but with a fair sprinkling of high-class men, awakened to a new sense of public duty. Three of these latter were elected, together with one of the best of the former city officials and a fifth man who was then at the head of organized labor, editor of the local labor newspaper, and was a man of force and intelligence. Every member of that council was thoroughly honest and determined to give Spokane the best government in its history. This spirit, coupled with the better and more responsive machinery provided by the new charter, accomplished a very marked improvement in civic affairs and when, a year or more later, the forces of evil, which had been greatly restrained, tried to overthrow the new government and go back to the old system, the people sustained it by a considerably better majority than that by which the new charter had been adopted.

No one is likely to question, in the light of the experience of over four hundred cities and towns in the United States, the great improvement brought about by the introduction of the commission form of government. If its only accomplishment had been the abolition of partizan politics in city life it would have been a very great step in advance. Its chief accomplishment, in my opinion, has been the definite fixing of responsibility for the conduct of the various branches of the city's business and the bringing of the government more closely into touch with the people. The Spokane commissioners meet in administrative session at a fixed hour on every business day and the citizen knows and

appreciates that he may then bring to their attention any city matter in which he is interested.

But fixing responsibility upon a weak man does not make him a strong man, and if it results in turning him out of office at the end of his term, or recalling him before his term expires, it does not insure a higher efficiency or intelligence in his successor. Under the commission form the voters should elect the best men available for the job and keep close watch upon the man in charge of each department, rewarding him by re-election if honest and competent and punishing him by defeat or recall if he proves a failure.

ADMINISTRATION BY AMATEURS

This is the theory, but it is not the practice. Men are usually elected because they are good vote-getters. Popular men, men who are good "mixers," men who have good standing in church, lodge or union, men who know how to dodge, trim and sidestep, men who are politically wise and who are willing to make intensive personal campaigns—all these classes stand a better chance of election than the straight-forward, the honest, the successful, the competent, who are not adepts at the political game. Those who are successful in their own business cannot afford, except through a sense of public duty, to run for office, and will not do the things which ordinarily must be done to be elected.

Every city has plenty of desirable men who, particularly when the community has been aroused by some glaring failure in its government, are willing, frequently at great personal sacrifice, to serve it as public officials, but they are unable and unwilling to contend for the positions with those who are less qualified, but who "know the game." And when once installed in office, they are less likely to be retained. It is my theory that a man who is honest, competent and fearless in the conduct of a public office is, while making some friends who understand his value, continually building up an army of discontent and dissatisfaction which will surely swamp him. In the course of his work he must deal justly with those who do not want justice; he must deny those who desire, and have been accustomed to, special privilege, and he must disappoint those who expect more of government than it is able to accomplish.

And it is a notable fact that citizens will usually vote their animosities and prejudices rather than their approvals and commendations. As in presidential elections party leaders prefer a candidate who is not well enough known to the people to have created strong sentiment regarding himself, so in municipal contests the nonentity with a pleasant smile, an engaging manner and a hearty handshake, of whose capacity for the job, or the lack of it, little is known, has a decided advantage. What the voters do not know about a candidate does not hurt his chances of election.

Elected city officials are all amateurs and they know that after a term or two in public office they will be dismissed if not discredited, and will be obliged to hunt up another job, or to pick up the tangled threads of their own business which they dropped to accept the public place. Under commission government we have expected to elect experts, for the conduct of the various activities of the government is an expert job. It is our collective business and, as such, is more important that any citizen's individual business.

Your mayor or one of your commissioners, receiving four or five thousand dollars a year salary and perhaps

worth it, is expected to carry on negotiations for a new franchise for the electric light and power company with its president, who has been trained and has spent his life in the business and who receives and earns a salary of $20,000 a year. It is an intensely technical game and the loser may involve his employer, the public, in complications and losses which will endure for a generation.

Amateurs are not fitted for such work and this is one of the failures of commission form government. We have notoriously failed to elect experts as public officials, even in the rare cases where experts were available. Yet we must elect the officials who represent the people in fixing our governmental policies. Any other course would be a subversion of the democratic ideal upon which our government is founded. But we must cease to attempt to elect experts in the great business of administrative government. Yet we must find trained men, appoint them and pay them adequate compensation.

POLITICAL AND ADMINISTRATIVE FUNCTIONS COMBINED

An argument used in favor of commission form government at its inception was that it would be a decided advantage to have the active heads of departments sit as a city council to pass the ordinances; that the men who did the city's work would be best qualified to make the city's laws. This is no more nearly correct than the obverse—that the men who make the laws are best fitted to do the work.

It is probably true that five heads of departments would do better as a legislative body than the old style city council, but serious objections have developed to giving both legislative and executive functions to the same men. Their first legislative act is to organize after each election and distribute among themselves the various departments of the city's administrative functions. Say that two or three want to be mayor, or that all wish to escape the police department, or that strong rivalry exists for the control of the water department. A combination of three members decides, and incidentally develops hard feeling from the start.

This is obviated by the custom in some comission cities of electing men for the specific departments, but it has been my observation that in such circumstances the hard feelings, while not generated so early, continue longer. Instead of being dependent upon his associates for his assignment, the commissioner of public works feels his independence and is quite likely to frequently assert it in the council meetings. The result is a continuous wrangle.

Appropriating money for specific use is a legislative function. One commissioner has been allowed an appropriation for an auto truck and proposes to buy it from a certain dealer who has helped him at election time. Other commissioners know that this particular truck is a poorly built vehicle and unfit for the purpose for which it is intended, but, aware that a like occasion may arise in their own departments, they are not likely to interfere with the purchase, and the city suffers. Dependent upon each other for the administrative positions they hold, accustomed to the work in their departments and not desiring to be transferred, they are likely to act favorably upon the recommendation of one of their associates, even though they know it is against the city's interest. The location of a bridge and raising the money for it are legislative acts; building the bridge is an expert

job which cannot be safely intrusted to the elected department head, who can and should represent his constituents in locating and financing it.

In Spokane, and I believe in many other commission cities, there has been a gradual but decided deterioration in the quality of the government following every election since the first. Candidates are fewer in number, and men of proven competence are conspicuously absent from the lists. Men who are successful in their own business have been replaced by graduates from the bankruptcy courts. In the commission which started the year 1920 there were four members who had held city or county office under the old régime. Men who have served the city at a personal sacrifice have been replaced by others who never in their lives have earned as much as the salaries they are now receiving.

The first commission did much real constructive work. It eliminated many dangerous railway grade crossings, broke the contractors' ring by daring to do city work by day labor, funded the floating indebtedness at lower interest rates, reduced the tax rates, secured better terms from privately owned public utilities, and generally improved physical and moral conditions in the city. A standard was set which has held weaker councils up to a higher mark of service, but initiative, resourcefulness and vision, these and the other qualities of leadership have been replaced largely by the unproductive impulse to "get by" and to "hang on."

The struggle seems to have narrowed down to an effort to avoid criticism, for which the excellent recipe given by Elbert Hubbard is to "say nothing, do nothing, be nothing." Credit has been sought for "cutting down expense" by dismissing a useful and valuable employe, whose service to the city was worth many times his salary. With this feeling at the top the spirit of inaction goes down to the bottom of every department. Every city has some faithful and efficient employes but, when these find that their chiefs are always trimming and will not support them when they take an honest and firm position, they soon lose heart and begin to contribute to the general decay.

CONCLUSION

I am an optimist. I know that great progress has been made in municipal government in the past twenty years and that there is strong hope for the future. But the way to bring about the fruition of that hope is to look our present deficiencies squarely in the face and plan our remedy only after careful study of the symptoms.

Commission form is admittedly an improvement over the old system; it has demonstrated that a charter is a vital force for better government even in the hands of the same old personnel. Like all human productions every charter has its weak spots, but the old fallacy that government is entirely dependent upon good men in office has gone into the discard and we know now that we want not only the best men we can find in our public offices, but we want the best tools we can invent for them to work with.

The greatest hindrance to good government is the negligence of, and indifference to, the duties of citizenship on the part of the individual voter; it may be that we can correct this evil, to some extent at least, by the introduction of a system of voting which will make his ballot more effective. Our failure to elect competent men for executive officials suggests the separation of legislative and executive functions, electing for the former and

appointing for the latter, making the duties of the legislator so light that strong and public-spirited men can undertake them without abandoning their private business, and requiring trained men for our administrative officials. Expert city executives, trained and experienced men, brought from any section of the country and paid a proper salary, will soon be as common in our cities as are now expert superintendents of schools or expert managers of private business undertakings.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE LABOR MARKET. By Don D. Lescohier. New York: The Macmillan Company, 1919. Pp. 338.

In this volume we have an excellent exposition of the problem of employment as it presents itself in the United States at the present time, together with an illuminating discussion of the various efforts that have been made toward a solution.

The author begins with an analysis of the supply and demand factors in the labor market. The supply of labor does not readily adjust itself to the demand for it, as does the supply of commodities, for labor cannot be separated from the personality of the worker and only a decrease or an increase in population can decrease or increase the supply of labor. As a matter of fact, we constantly have in our midst several millions of unemployed workers who, in the language of the author, form a "labor reserve." This reserve, however, is not concentrated, but is decentralized into a multitude of local labor reserves. In the absence of an adequate system of labor distribution these reserves of surplus labor have continued side by side with actual labor shortages.

Not only is the supply of labor relatively unchanging, but the demand for it is extremely irregular. It is affected by the rise and decline of industries and occupations, by changes within industries, by changes in industrial prosperity, by seasons, and by numerous other factors. It is made up, moreover, "of millions of specific, individual demands for specific types and qualities of labor to work in specified establishments for more or less definite periods of time." In other words, the demand for labor also is decentralized. According to the author, "One of the most important problems which confronts our nation is the creation of means for feeding a decentralized demand for labor into a centralized organization able to locate the individual workman suited to each individual demand, and bring the two together with the least disturbance to industry and to the home life of the worker. It is not a problem of massing orders and mobilizing men so often as it is a problem of discriminating selection of the man who meets an employer's need and the employer who meets a man's need."

As counterpart of this condition of unsteady employment, we have a high labor turnover, an aggravation of the problem of poverty, increased necessity for relief, and a reduction of the efficiency of the workers.

Among the means of mitigating occupational idleness the author mentions stabilization of production, dovetailing of establishment demands, continuation schools for minors, the training of adults to increase their usefulness, and the construction of public works to afford employment during periods of depression.

The most important single approach to the problem, however, lies in a revision of the machinery of the labor market. Before the world war we had no machinery of labor placement that could be termed a system. We had private, fee-charging agencies; employers' and trade union employment offices; philanthropic or semi-philanthropic offices; and a considerable number of state and municipal employment offices; but none of these was adequate to the task and all of them worked in competition with each other, doing as much harm as good. After our entrance into the world war, the threatened shortage of labor acted as a spur to the creation of the United States Employment Service by the Department of Labor. This is the first and the only attempt that has been made thus far to establish an adequate federal employment service in the United States. Our experience with this system, however, was very brief and the conditions under which it was compelled to operate were so abnormal that it is difficult to draw conclusions as to the feasibility of a national employment system from the results achieved. Nevertheless, despite all of the handicaps that militated against its success, the federal employment service rendered many benefits to the nation.

After drawing lessons from the British and Canadian employment systems, the author proceeds to outline his own idea of the kind of federal employment service needed by the

United States. He believes in a national system, but he does not favor a purely federal service. In his opinion the "employment problem is and should be in the first instance a local problem." He favors a system under which the federal, state and local governments co-operate, each bearing part of the expense. The direct management of the employment exchanges would be entrusted to the state and local officials, but the federal government would be able to enforce standards of efficiency by means of a federal subsidy plan under which aid would be withheld whenever the local management fails to maintain these standards. The organization and methods of administering such a system are outlined in detail.

In a chapter devoted to "the employment department" emphasis is given to the importance of intelligent employment administration within industry itself. "The nation can provide employment exchanges to bring the worker to the factory door; but the employer has to introduce him to the inner life of the establishment, locate him in his specific tasks, and fit him into the plant's productive organization."

In closing, the author endorses unemployment insurance as a necessary measure to supplement the work of employment exchanges and the other efforts to reduce unemployment.

William C. Beyer.[1]

THE BUDGET AND RESPONSIBLE GOVERNMENT. By Frederick A. Cleveland and Arthur Eugene Buck. Introduction by William Howard Taft. New York: The Macmillan Company, 1920. Pp. 406.

This book, in which Dr. Cleveland is apparently responsible for the development of budget philosophy, and Mr. Buck for the facts of current practice, is the best book on American budget procedure yet written, in fact the only discussion that approaches completeness.

The evident purpose of the authors has been to state the importance of responsible government, indicate the underlying relationship of sound budget procedure to such responsibility, and then to discuss the steps that have been taken by the several states and the national government in this direction.

The early chapters are a philosophic discussion of popular control of government, concluding with a statement of Jefferson's four principles of stable, effective, democratic government: (1) the principle of popular elections; (2) acceptance of the principle of majority rule; (3) responsible leadership; and (4) the right of the leaders to appeal to the people from the decisions of the representative body. While the first two principles are reasonably well established in American procedure, the last two have no present place in it.

The elimination of irresponsible "boss" and committee government, and the substitution of the leadership of elected executives (Jefferson's third principle), Dr. Cleveland believes can be brought about by making these executives alone responsible for the formulation of the fiscal work program of the government, and accountable for the proper execution of this program, through audit by the representative body.

At this point Mr. Buck supplements Dr. Cleveland's theory with an excellent discussion of the efforts and the progress of the several states in developing executive responsibility through the budget, weighing the merits of the executive, commission, and legislative types of procedure. This discussion is followed by a critical review of the present national procedure, and of the proposals now before congress for its reform.

The Good bill, Dr. Cleveland believes deliberately designed to be executive in form but legislative in character, thereby evading the executive responsibility to be desired. Upon this point all authorities are not agreed, and Mr. Taft in his foreword expresses a preference for the Good bill. The authors believe the Frear bill to be the most desirable, but are not adverse to the McCormic proposal.

An essential part of Dr. Cleveland's proposals for securing responsible government through the budget involves the representation of the cabinet in the legislative body, where the program of these officers may be publicly but not privately challenged. There seems to be an implication that these estimates are not to be increased except under unusual circumstances, and the authors make no comment on the fourth of Jefferson's points, an executive appeal to the people in event the work program is seriously modified or destroyed by the legislative body.

However, Mr. Taft in his foreword briefly comments on the questions involved in the legislative amendment to the executives program, and on an executive appeal to the people, by saying that in the early development of the

[1] Assistant director of the Bureau of Municipal Research of Philadelphia.

budget it never occurred to the legislature to increase the demands of an independent executive. Mr. Taft continues by saying that in the full development of the English budget procedure in America, particularly in its feature of executive appeal to the people, we are embarrassed by the constitutional differences between the British governmental system and our own.

In summary then, one concludes that Dr. Cleveland argues for the preparation of a work program by the executive, for the right of the executive to appear and defend this program before the legislative body, for some limitation on the right of the legislative body to amend this program, and finally for an appeal to the people by the executive in event the program is seriously mutilated, although this last point is not emphasized.

On the point of executive preparation of the budget, Dr. Cleveland is in agreement with substantially all of those familiar with budget procedure. On the subject of restricting legislative amendments he has decidedly less support. The proposition of executive appeal is yet too remote to have warranted serious discussion or side taking. Certainly in these last two respects British budget procedure cannot be adopted in its entirety in America, with British results. In some respects the British budget system appears to provide a legislative budget, and not executive at all, and the American adoptation would surely be executive.

LENT D. UPSON.[1]

SOCIAL THEORY. By G. D. H. Cole. New York: Frederick A. Stokes Company, 1920. Pp. 209.

"Theory," says Mr. Cole, "ought to get ahead of actual development, giving men the power to grasp the principles which must make the future." The principle he enunciates in this book and the theory he logically builds about it is, in a word, that of "democratic functional organization and democratic representation according to function." An individual, he contends, is universal in interests and purposes. An association or organization is particular. One may represent an association, but he cannot represent an individual in his varied interests and purposes. "To ask me to choose a man to represent me in relation to everything is to insult my intelligence, and to offer me every inducement to choose someone so colorless that he is unlikely to do anything at all. This is how parliamentary elections usually work out at the present time." Thus he would have a governmental representative for each of the main groups of social purposes which are his. Instead of "one man one vote, we must say one man as many votes as he has interests but only one vote in relation to each interest."

The representative thus will stand for the interests and purposes and be under the direction of the association electing him. He will neither act on his own unadvised judgment, nor yet will he be shorn of personal initiative, but after consulting and advising with the permanent body which he represents.

Each law, church, medical and labor union association now exercises a coercion upon its individual members. There is no supreme association with sole power of coercion and co-ordination. The state, he contends, as now organized is far from sovereign. There is need of such a body. It would not necessarily be legislative or administrative, but rather in the nature of "a constitutional judiciary or democratic supreme court of functional equity," representing all essential functional associations. Purely political matters would be dealt with by the state, industrial and professional by the vocational associations, church questions by ecclesiastical authorities, but in cases where a question affected more than one form of association it would be referred to this supreme court. "It involves that the judiciary and the whole paraphernalia of law and police must be under the control of this co-ordinating body" (p. 137). Matters of such national importance as declaring war, using the army, navy or air forces, being represented in a league of nations, making treaties and covenants affecting society as a whole, can properly be left only in the hands of this body, as it alone is composed of representatives of all "functional associations."

Mr. Cole, as the mouthpiece of the guild Socialists of Britain, sees economic equality as the prerequisite of effective social reorganization. "Conflicts of capital and labor," he says, "are fatal to the due functioning of each." Virtual economic equality alone can subordinate such conflicts or cause them to disappear. It is "useless to expect society to function aright either economically or in any other sphere without economic equality." The struggle of economic classes he thinks would disappear with

[1] Detroit Bureau of Governmental Research.

the establishment of a unified functional control of industries by those engaged in them.

As one might expect, he gives the theory also an international application. He would have in the central co-ordinating body of the League of Nations representatives of all international societies, industrial, medical, socialist and what not. On them would rest the responsibility of carrying out the will of the league in all nations.

The faults of the book are its virtues carried to an extreme. Its ultra-seriousness throughout is striking. It gives one the picture of a set-jawed iconoclast whose eye has been so long fixed on the shortcomings of society that he feels the only hope is in its essential reorganization. In defining community, customs, associations, institutions, and other generally used terms, they are given a pedantic and sometimes arbitrary meaning. "By an association I mean any group of persons pursuing a common purpose or system or aggregation of purposes by a course of co-operative action extending beyond a single act, and for this purpose agreeing together on certain methods of procedure and laying down in however rudimentary a form rules for common action."

Another weakness of the book lies in its local character. "It is a statement of the essential principles of social organization in communities like our own. It may be there are peoples so different from our own that the generalizations will not apply to them." He would "hesitate to apply them even to Russia," much less the civilizations of the east.

As a leader in an important movement among the British wage earners, the author's primary concern is to "sell" this idea to the English speaking public.

Mr. Cole is a man of convictions. Sometimes they engender in him a scalping mood. He gives fair warning when the mood will come upon him. "As soon as I begin to deal with the actual function of any particular association there will certainly be wigs on the green." Sometimes the conviction manifests itself more moderately. "Mr. Calvin of the *Morning Post* regards one kind of social life as finally desirable and I another. . . . I believe most firmly that I am right and he is wrong."

The author's treatment has a place in the field of political theory and should be of especial interest to American advocates of proportional representation.

C. W. COULTER.[1]

[1] Western Reserve University.

A COMMUNITY CIVICS. By Edwin W. Adams. New York: Scribners, 1920. Pp. vi, 385.

The book contains no statement of its specific purpose. Examination of it, however, seems to warrant the conclusion that it has been written as a text-book for the upper elementary and lower high school grades. The following comments upon the book are based upon this assumption.

Community civics has only recently been given a place in the course of study of our schools. The co-incidence of many influences, educational, social and political, account for the astonishingly rapid adoption of this line of work. The demand for good text-books has outstripped the supply. The difficulty of preparing a suitable text-book is undoubtedly a great deterrent. The adjustments to the age of the pupil, to the locality in which the book is to be used, to the civic point of view and to educational methodology are criteria which may well suggest the question whether a satisfactory general text-book can be written. The author seems to have undertaken this purpose. Previous efforts along this line comprise most notably Dunn's "The Community and the Citizen" and Hughes' "Community Civics." Mr. Adams' book is the most recent addition to the list and its value in the evolution of elementary civics text-books will receive proper assessment in actual classroom use.

The book consists of twenty-two chapters. Four preliminary chapters describe the community and the place of the individual in the community. Eleven chapters are devoted to municipal functions, health, education, recreation, etc. One chapter each discusses wealth, its production and use, executive, legislative and judicial action, public finance, party government and citizenship. Appendices contain the Declaration of Independence and the Constitution of the United States.

The general plan and scope of the book seems to be taken almost *in toto* from the "Syllabus in the Government of New York City, with State and Federal Relations," the official syllabus in community civics in New York City. In fact, the whole organization and treatment suggest a very liberal use of the syllabus. However, no acknowledgment of the indebtedness to the authors is made.

The treatment of the material consists in a general description of civic functions and general illustrations. There is an almost total

absence of actual concrete application. The interest of the pupil will, therefore, probably be under constant strain and the burden of successful class-room work will be thrown upon the teacher. Illustrations of this pedagogical fault will be found in most of the chapters.

The compass of the book is such that it can be accommodated to the time allowance of the subject in most schools.

The book contains little for the young citizens of the smaller cities and towns. It describes the life of the large city, and the illustrations in the main are taken from the large city. Yet depth of insight into the life of the city is not especially manifest.

For application of the text to a particular community dependence is placed upon the "Suggestions for Further Study," which accompany each chapter. These suggestions are abundant, thoughtful and stimulating to teacher and pupil.

In style the language is simple. Expression is clear in the main, but frequently loose and indefinite. Much that is obvious could be omitted from the text. The illustrations too are good, but could be increased in number to advantage. On the whole, the writer feels that the book does not establish any clear advance over its predecessors.

The accuracy of some statements is questioned by the writer.

ALFRED C. BRYAN.[1]

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CO-OPERATION AND OTHER ORGANIZED METHODS OF MARKETING CALIFORNIA HORTICULTURAL PRODUCTS. Studies in the *Social Sciences, University of Illinois*, vol. viii, No. 1, 1919. Pp. 142.

A great deal has been said and volumes have been written advocating the principles of co-operation for economic benefit in the United States. The principle has been recommended for producers and consumers alike. So far, little progress has been made except in isolated cases. While there is a general assent to the desirability and possibility, concrete examples of successful co-operation are needed by the great majority in order to induce people to act upon the principle.

The most outstanding, successful examples of co-operation in the United States are the co-operative marketing associations of the horticulturists of California, and one of the best descriptions of the work of the Californians is a book entitled, "Co-operative and Other Organized Methods of Marketing California Horticultural Products," written by John William Lloyd, Ph.D., of the University of Illinois. Doctor Lloyd spent two years in California studying the principles and methods used by the different marketing associations. His work gives, in interesting detail, the development of co-operation and shows how horticultural producers were saved from financial loss and final extinction, by adopting co-operation in place of the old-time, individual dependence upon an outside party to find a market for their products. He shows clearly what the organizations have done towards: first, reducing cost of marketing; second, improving the distribution of produce; third, increasing the demand for produce; fourth, standardizing the produce; fifth, protecting the individual grower.

These aims are desirable and applicable in the production and sale of every kind of produce. The fact that California producers, situated as they are at the extreme distance from the largest consuming centers, have succeeded through co-operative enterprises in maintaining and increasing their business, as well as conducting it at a profit, should be conclusive proof in favor of the general adoption of co-operative methods. We would recommend a wide reading of Dr. Lloyd's book in every locality where any kind of products are grown for sale on the general market.

R. P. KESTER.[2]

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THE MOVEMENT FOR THE REORGANIZATION OF STATE ADMINISTRATION. By Charles Grove Haines, Government Research Series No. 17. University of Texas. 1920. Pp. 80.

This pamphlet was issued early in 1920 as a publication of the Bureau of Government Research of the University of Texas. It contains very little matter that is new, or that has not already been stated in similar form. A large part of its material is a re-statement of the facts contained in a supplement to the NATIONAL MUNICIPAL REVIEW of November, 1919, entitled "Administrative Consolidation in State Governments," and in the Report of the New York State Reconstruction Commission on Retrenchment and Reorganization in the State Government, published in October, 1919. Hence, the

[1] High School of Commerce of The City of New York.

[2] Editor, *Pennsylvania Farmer*.

main reason for the publication of a pamphlet, such as this one prepared by Professor Haines, is found in its direct application to the state of Texas. It is to be regretted, therefore, that Professor Haines did not see fit to devote more than seven out of the eighty pages contained in the pamphlet to a discussion of the problem of administrative reorganization in his own state, the administration of which, judging from the few facts that he gives us, needs to be reorganized and consolidated. To be of maximum value this pamphlet should be followed by another one setting forth a scheme of administrative consolidation for Texas. A. E. B.

II. BOOKS RECEIVED

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NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Service-at-Cost Franchise for Rochester, New York.—The long controversy over street car fares and service in Rochester, New York, has recently been ended by the adoption of a service-at-cost agreement between the city and the New York state railways providing for an initial fare of seven cents. Under the existing franchise, the railway company was permitted to charge only five cents in the city of Rochester, and the court of appeals in the Quimby case decided that this rate of fare was a valid provision of the contract, which could not be set aside by the public service commission without the consent of the city. On the other hand, the franchise gave the city no power to require a more frequent service than a fifteen-minute headway, and the public service commission refused to order the company to give adequate service on the ground that the existing rate of fare would not permit it.

The city finally decided to compromise upon a service-at-cost plan as the only way to obtain adequate service; a contract agreed upon by the company was approved by the common council on July 14, 1920, to take effect on August 1; and Charles R. Barnes, the electrical expert of the public service commission of the second district, was appointed by the mayor as the first commissioner of railways.

The agreement affects only the lines inside the city, and will require the segregation of receipts and expenses, so that it will be possible to see for the first time whether the city lines are carrying the outside lines or not.

The existing franchise has not been abrogated, but has merely been modified as to the rate of fare for the ten-year period of the new agreement. The control of the rate of fare was the only club which the city held over the head of the company, and was regarded as of too much value to be given up permanently.

The term of the agreement was fixed at ten years, rather than for a longer period, on the ground that conditions might change, and that too long a period might prove undesirable to either the city or the company, as had proved to be the case with the present franchise. An indeterminate period was rejected as not giving sufficient security or protection to either party. The city has the right to extend the agreement for a second ten years, upon giving the company a year's notice.

The carrying out of the agreement is placed in the hands of a commissioner of railways, appointed by the mayor, subject to the approval of the common council, who becomes an employe of the railway company, and is paid by them a salary of $12,000 a year. It was thought better to have the commissioner act as an employe of the company rather than of the city, in order that he might not be a political tool at the beck and call of the mayor or the common council, and also to avoid his being subject to regulation by the local or state civil service commissions.

The commissioner acts practically as a receiver of the company, having power to direct the making of extensions, betterments, and improvements; the making of repairs, renewals, and replacements; the purchase of cars and parts and all other equipment; the purchase of real estate; and the abandonment and replacement of equipment of every kind. He directs the routing of cars, fixes stopping places, determines schedules, headways, speed, and method of operation. The company is protected against extravagance on the part of the commissioner by the provision that no service shall be required which shall impair the rate of return, and no expenditures or changes made which will seriously impair the property of the company, arbitration being provided for in case of any disagreement.

The commissioner has access to all books and accounts of the company; all contracts for the purchase of equipment, materials, and supplies and for all work of repair and construction must be approved by him; and he may require the company to refund any money spent without his consent where the amount appears excessive.

As an immediate basis for fixing the rate of fare, a tentative valuation of $17,500,000 has been agreed upon, to be supplanted as soon as possible by an accurate valuation made by three appraisers, who shall determine the fair value

under the established rules and principles used in determining public utility valuations for the purpose of fixing rates. Starting with a seven-cent fare, the company is entitled to a 6 per cent return on the base value, the return being increased a half per cent for each cent reduction in fare below seven cents, being 6½ per cent with a six-cent fare, 7 per cent with a five-cent fare, 7½ per cent with four cents, and 8 per cent with three cents. The rate of return is not reduced if the fare goes above seven cents, but remains at 6 per cent, this rate being regarded as the lowest defendable in the courts and also the lowest which will enable the company to finance improvements by selling securities.

Three funds are created under the agreement: first, a general fund, comprised of all the revenue, out of which operating expenses, valuation expenses, the expense of the commissioner, taxes, and the return to the company are to be paid. Second, a renewal and depreciation fund, obtained by setting aside each year 2 per cent of the base value, out of which fund all renewals and replacements are to be made, the fund never to exceed $600,000 and at the termination of the agreement to be 2 per cent of the base value and no more. The third fund is the balancing fund, starting at $300,000, into which all surplus from the general fund is to be paid. Whenever the balancing fund exceeds $500,000 at the first of any month, the next lower rate of fare is to be automatically adopted one month later. If the balancing fund falls below $200,000 at any time, the next higher rate of fare is automatically installed, advancing until the balancing fund exceeds $300,000, but any rate of fare shall remain in effect for a period of not less than three months before being changed.

The commissioner may require extensions and improvements, but after the fifth year of the agreement, the total expenditure required shall not be more than $400,000 in any one year, diminishing each year thereafter up to the end of the agreement, the aim being to protect the company against unnecessarily high capital expenditures at the end of the contract period.

JAMES W. ROUTH.[1]

*

Indiana Legislature Revises Tax Laws at Special Session.—At the regular session of the Indiana general assembly of 1919 a comprehensive tax law was enacted which provided, among other things, that all property should be assessed "at the true cash value." As property has been assessed heretofore at from 25 to 60 per cent of its true cash value, and as the rates of taxation for the various purposes are fixed by law, it would naturally happen that, with an increase in the valuation, the rate of taxation would have to be decreased proportionately. But the legislature could not determine how much of a decrease would be necessary until the new valuation of property had been ascertained. Accordingly, the state board of tax commissioners was authorized to fix the rates of taxation for all purposes at such per cent as would produce approximately the same amount of revenue as was produced during the preceding year. The state board was also authorized to approve all bond issues. These two centralizing features of the law have been strenuously opposed, and at the special session of the legislature a so-called home rule act was passed which restores to the local authorities the right to fix all tax levies and authorize all bond issues, subject to an appeal to the county council of each county on petition of 15 taxpayers.

The state board of tax commissioners assumed that under the act of 1919 they possessed the authority to order horizontal increases in the valuation of property in any county as a whole or in any township. This supposed authority was exercised rather freely and produced considerable resentment from taxpayers who were affected thereby. In July, the supreme court handed down a decision in which they held that the state board of tax commissioners was without statutory authority to order horizontal increases. The effect of this decision was to render illegal assessments, then on the tax duplicates, and on which the first installment of taxes had been paid, aggregating $750,000,000. To correct this condition a so-called remedial or legalizing tax act was passed, which called all of the county boards of review into special session, to review the adjustments previously made, and to certify them back to the state board. Every county but four has approved the raises made by the state board, horizontal increases and all, and in these the state board has made county horizontal increases. Thus it has not been necessary to recompute the tax duplicates.

CHARLES KETTLEBOROUGH.[2]

[1] Director, Rochester Bureau of Municipal Research.

[2] Director, Indiana Legislative Reference Bureau.

The Ohio Legislative Committee on Administrative Reorganization.—Inadequate programs, defective organization and operation are the three sources of direct waste of public funds and energy, the joint legislative committee on administrative reorganization for the state of Ohio has declared in a preliminary report, upon completion of a survey authorized by an enactment of the senate last year. As a preventive for this waste, it is recommended that the number of separate administrative offices be reduced from forty-nine to ten departments and four commissions, in order to afford a fundamental basis for sound administrative operations.

Beside the various departmental changes, the joint committee proposed a reduction in the number of state elective offices. The three offices provided are those of the governor, the lieutenant-governor and the state auditor. Under the existing laws, there are six elective offices—the governor, lieutenant-governor, secretary of state, state auditor, state treasurer and the attorney general.

Among the various proposed changes are:

Lengthening of the governor's term from two to four years.

Repeal of enactments providing for senatorial confirmation of executive appointments.

The appointment of the director of education and the state superintendent of public instruction by a small board, instead of by the governor, and lengthening of the term of office of the superintendent of public instruction. The small board is to be composed of seven members and the appointment is to be made by the governor. The term of one member is to expire annually.

Establishment of an advisory state educational council, to be drawn from the representative life of the state and to serve without pay. This council is to be charged with seeking criticisms and suggestions with respect to Ohio's educational needs.

Reorganization of the state library.

Discontinuance of a separate college of homeopathy at the Ohio State University.

Separation of the auditing from the operating function of the auditor of state, with a view to placing the operating function, such as actual bookkeeping, in an executive department responsible to the governor, but enlarging the auditor's powers and duties to audit.

Responsibility and powers of the present board of administration to be vested in a director of public welfare.

Transfer of the dairy and food division from the department of agriculture to the department of health.

Removal of the bureau of vital statistics from the office of the secretary of state to the department of health.

Consolidation of the offices of the superintendent of public works, state highway department, commissions on canals, state lands, state parks, public buildings and the state geologist, under a constitutional officer to be known as the director of the department of public works and conservation. This change also carries with it the abolition of the state highway advisory council.

Creation of a centralized purchasing bureau and a multigraphing service, which would abolish the offices of the state printer and the supervisor of public printing.

Strengthening of the bureau of markets, the purpose of which would be to give due consideration to the interests of both the producer and consumer.

Cost of administering the workmen's compensation act to be covered in the premium charges rather than by appropriations from the general revenue of the state.

Modification of the civil service laws so as to reduce the number of exemptions; remove labor service from civil service jurisdiction; preparation of a schedule of adequate salaries and rates; elimination of the veteran clause; require an investigation of charges prior, rather than after discharge and make the commission a clearing house for all civil service matters.

Definition and enforcement of state standards for weights and measures.

Biennial report which clearly sets forth the state needs, state work and state costs.

In making the survey, more than ninety separate reports were compiled. Although the work has been completed, less than one third of the reports have been printed, ready for distribution. The committee had the assistance of the following: Don C. Sowers, as executive secretary, now director of the Akron Bureau of Municipal Research; Gaylord C. Cummin, of the Institute for Public Service, New York; L. D. Upson, director of the Detroit Governmental Research Bureau, aided by staff members, Arch Mandel, C. E. Rightor and Harrington Place; Henry Steffens, Jr., comptroller of the city of Detroit; and William H. Allen, director of the Institute for Public Efficiency, New York. S. H. Wolfe, consulting actuary of New York, investigated the Workmen's Compensation funds.

The reports on the survey will probably be presented to the next, or eighty-fourth general assembly of Ohio.

William M. Thomas.

Cleveland's Precarious Financial Situation.—The recently organized Municipal Research of Cleveland has issued an exhaustive report upon the outstanding debt and the bonding policy of that city. The combined debt of the city, county

and board of education is $100,000,000, of which $78,520,000 must be paid from taxes. The city has no original capital improvements to show for $12,000,000 of its debt. The sinking funds are found to be utterly inadequate to retire the term bonds as they mature, many of which were issued for excessive terms. Large amounts of bond funds are continually being expended for current purposes.

The reasons for the existing deficit are traced to the loose practices, prior to 1916, when the Ohio supreme court ruled that the act of 1902, requiring adequate annual sinking fund payments, was mandatory. Therefore it had been construed as merely directory.

As a way out the report strongly recommends that the provisions of the Gardner law be applied so that the debts, for which there are no sinking fund provisions, may be paid in full at maturity, instead of refunded as has been the too frequent custom. The Gardner law was the measure passed this year to extend financial relief to cities suffering from the severe tax limits of the so-called Smith one per cent law. For the past several years, Cleveland, in common with other Ohio cities, has found its revenue insufficient to meet expenses. The Gardner law permits cities, on vote of the electors, to exempt interest and sinking fund charges, outstanding January 20, 1920, from existing tax limits. Taking full advantage of the Gardner law will mean that sufficient additional taxes must be levied to pay interest charges, maturing serial bonds, regular sinking fund instalments and to meet the present sinking fund deficit.

St. Louis Bond Issue Election.—Supporters of the proposed $23,000,000 bond issue for municipal development in St. Louis were sorely disappointed at the outcome of the recent election. Although almost every organization in the city—including the chamber of commerce, merchants' exchange, manufacturers' association, central trades and labor union, and real estate exchange—and every newspaper, favored the passage of all the eighteen items submitted, only five received the necessary two-thirds vote.

These five were for a total of $3,793,000, and covered the following public works: elimination of grade crossings, $905,000; farm for insane, $1,100,000; new engine houses, $360,000; new morgue, $68,000; reconstruction of streets, $360,000; and city lighting plant, $1,000,000. The rejected items provided for the following: purchase of parks and playgrounds, $1,385,500; improvement of parks, $1,174,500; municipal auditorium, $900,000; construction, reconstruction and extension of public sewers, $2,575,000; preventing floods from River des Peres and developing railroad and industrial district in connection therewith, $9,000,000; municipal farm for offenders, $400,000; railroad connection with free municipal bridge, $1,500,000; municipal docks, $1,700,000; street openings, $1,250,000; industrial farm, $156,000; additional cells in city jail, $76,000; municipal garage, $90,000.

The bond issue, had it been favorably voted in full, would have brought St. Louis' indebtedness up to the constitutional limit. Because of this fact, many proponents of municipal ownership of utilities were opposed to a number of its items. The unfavorable verdict is also greatly due to a widespread distrust of the present city administration, in evidence since the recall attempt of last year. The administration leaders sensed this distrust, and sought to overcome it by providing that a special committee of citizens, representing various associations, should have charge of the expenditure of the funds.

Another special citizens' committee was chosen to go over the proposed items before they were submitted to the people. This committee's recommendations were almost unanimous in favor of the issue as voted on, the only serious objection being voiced by Frank P. Crunden, president of the Civic League, who attacked several items as donations to the Terminal Railroad Association and other interests. Mr. Crunden's criticisms were particularly directed against the railroad provisions in the River des Peres reclamation plan.

Louis F. Budenz.

Cleveland Voters Refuse Higher Dividends to Street Railways.—At the primary election of August 10, the question of raising the dividend rate on the stock of the Cleveland Railway Company from 6 to 7 per cent annually was referred to popular vote. It was decisively defeated by approximately 3 to 1. The city council some months before had agreed upon the increase and one dividend at the rate of 7 per cent had been paid, but the matter was pressed to a referendum vote and the people showed decisively their attitude toward increasing the stockholders' returns on their investment. The company had contended that a 7 per cent return was

necessary to make new issues of stock, for financing extensions, marketable.

The company announces that the fare will have to be increased from five to six cents in the near future and that, unless additional funds for capital outlay are secured, no new extensions can be made next year. The company proposes to issue $4,000,000 worth of common stock at par ($100) and accrued interest over the counter to the public in an effort to raise further funds. The president of the company is quoted as saying: "The public thinks 6 per cent is enough to pay on our stock, then I hope they will back their judgment by their money."

L. E. CARTER.[1]

*

Boston Committee Adjusts Housing Difficulties.—Last March the mayor of Boston appointed a rent and housing committee to adjust difficulties between landlords and tenants and to make a study of housing needs. Adjustments have been accomplished in approximately 1,500 cases. The committee has adjusted, directly or indirectly, 76 per cent of the complaints of rent increases presented to it. One of its first acts was to list all the vacant houses in the city and to obtain information concerning the properties through questionnaires sent to the owners. These records were available to all persons seeking places in which to live.

*

Stringent Taxi Regulation Adopted.—Cleveland has passed a new taxi-cab ordinance. The requirements include finger print identification of all drivers, revocation of licenses by the chief of police as well as commissioner of licenses, mayor, or judge of a municipal court, and liability and property damage insurance.

*

Louisiana Considers Constitutional Convention.—The legislature of Louisiana has passed an act submitting at the election in November the question as to whether or not a constitutional convention shall be held. If the people vote in favor of the convention it will meet in March, 1921. The election of delegates will be held at the same time as the vote on the proposition to hold the convention.

II. MISCELLANEOUS

The Constitution of the New Republic of Czechoslovakia contains some unique provisions which will be watched with interest as their effectiveness is or is not demonstrated in years to come.

The national assembly is bicameral and elected under proportional representation. For election to the house of deputies the franchise is granted to every citizen irrespective of sex who has attained the age of 21 years. In the case of the senate the corresponding age is 26 years. The terms of the members of the two houses are six and eight years respectively. The upper house has only a suspensive veto on bills passed by the lower. The latter may repass by a majority vote a measure dissented to by the former unless the rejection was by a three-fourths vote, in which case a three-fifths majority is necessary in the lower house to enact the measure into law.

The president is elected at a joint session of the two houses by a three-fifths majority. He cannot be impeached, but all his acts must be countersigned by a minister who is at all times responsible to the lower house. Any or all ministers are removable by a vote of no confidence by the deputies. The president enjoys a suspensive veto. A vetoed measure becomes law if repassed by simple majorities, but if the house of deputies alone passed the original measure it may be passed over the veto by a three-fifths majority of the lower house only.

A permanent commission of 24 members, 16 from the house and 8 from the senate sits during a recess of the legislature with power of control over the cabinet and executive. Should the legislature prove hostile to proposals of the cabinet, the government can order a referendum to the people.

Special machinery, in the form of a constitutional court, is erected for the final determination of the constitutionality of laws. The court consists of seven members. The supreme court and the administrative court designate two members each; the remaining three are appointed by the president. A special franchise court is created to determine the validity of elections.

The constitution may be amended by a three-fifths vote of all the members of parliament.

The makers of the constitution were influenced by the American constitution but they borrowed more of the actual planks from the French system than from American. They were used to the machinery of parliamentary government

[1] Director, Municipal Research Bureau of Cleveland.

with responsible ministries and very early decided that the presidential republic on the style of the United States would not be suitable to Bohemian conditions.

✽

Social Service Director for Akron.—The new Akron charter creates a social service department whose function is to manage all charitable, correctional and recreational agencies owned or controlled by the city. The department furthermore is to supervise all private or semi-public social service activities, supervise all public amusements and furnish legal aid to the poor. An advisory commission has been selected to aid the director.

The principal facts which prompted the incorporation of this provision in the charter was the belief that the welfare of the people in the most rapidly growing city requires special foresight and planning, and that fields of social effort not covered by existing voluntary agencies should be taken care of by the city. The social service commission does not intend to supplant existing agencies but to co-ordinate and supplement them. The Rev. George P. Atwater is chairman of the commission.

✽

Federal Employes Study Reclassification.—The federal reclassification commission submitted its report and a bill to congress during last March. The bill, however, which vested in the civil service commission complete control over reclassification and greatly augmented its powers over employment policies and administration made no progress at the last session of congress.

The federation of federal employes have engaged Mr. Robert Moses to prepare a report on the reclassification situation and a new bill which will bring the reclassification report into harmony with the amended budget bill which is regarded as sure to pass and receive the President's approval at the beginning of the next session. Mr. Morris B. Lambie will be associated with Mr. Moses in this work. The employment of independent specialists by the employes' union is an unusual event. The officials of the federation have announced their sympathy with the budget and reorganization program and their conviction that progress in reclassification is closely bound up with it.

✽

City of Alameda, California, Starts Free Periodical.—The *Alameda Municipal Journal* is one of the recent editions to the *National Municipal Review* list of exchanges.

This journal is to be published monthly and will be distributed free each month to every home in the city. The birth of a new municipal publication is of interest as indicating the importance being attached to keeping citizens informed about their government. The opening issue says:

"The journal bears the official seal of the city of Alameda and is published at the direction of the city manager and the city council. It is approved by them as a medium through which the activities of the various municipal departments may be recounted and thus brought directly to the attention of those whom these departments serve—namely, the citizens of Alameda."

✽

A New Training School for Public Service.—Professor E. W. Crecraft of the Municipal University of Akron is co-operating with the Akron Bureau of Municipal Research. Students in the university are allowed credit for field work, and the arrangement is said to be tantamount to a training school for public service. Several university students are now working on assignments under the supervision of the bureau.

✽

Paying Taxes in Weekly Instalments.—In connection with its system of direct rating which came into force in April, 1919, the English county borough of Bootle has introduced a novel method of collecting the rates. This takes the form of adhesive stamps designed for the corporation, which can be affixed in books specially supplied for the purpose. The stamps vary in denomination from 2*s.* to 7*s.*, with stamps of smaller denominations to make up odd amounts. Under this system ratepayers are permitted to pay rates in 36 weekly instalments, commencing with the last week in April and finishing with the last week in December.

As each instalment is paid the taxpayer is given a receipt stamp of the proper amount which he places in a book given him for the purpose. The system was devised for the convenience of the small ratepayer. At present about 2,600 persons have taken advantage of this method. It is expected that eventually a much larger number will do so, especially in times of industrial depression.

✽

The Housing Problem in St. Louis is the title of an attractive booklet recently issued by the city plan commission of that city. The hous-

ing problem in St. Louis and the nation is discussed as well as measures proposed or undertaken for relief. The practical value of the pamphlet consists in a discussion of the costs and advantages of the various types of dwellings, with suggested plans and specifications, and studies in land allotment and community planning.

The St. Louis Home and Housing Association, organized last year to encourage home building, after six months' activity, reports a trust fund of $1,034,000 which is being used to buy land and build houses in various sections of the city.

The schedule calls for the starting of a new house every day between April 1 and November 20, 1920, and at this writing the association is ten houses ahead of its schedule. The houses range in cost from $5,500 to $8,900 and are sold on a basis of 10 per cent cash and the balance in ten or twelve years. The selling price includes insurance on the life of the purchaser so that if he dies or becomes totally incapacitated the insurance company pays the price in full and the house immediately becomes the property of the purchaser or his estate. The Missouri State Life Insurance Company is under contract with the Home and Housing Association to purchase all of the loans on these houses as they are sold, in this manner the building program for next year will be financed.

Canada Helps Indians to Full Citizenship.—The Canadian parliament has recently passed a measure designed to make easier the attainment of full citizenship by Indians. Earlier acts governing the enfranchisement of Indians were framed with great caution. The consent of the band of which the Indian was a member was necessary and six years must intervene before he was deemed fit to handle his own property and take his place as a citizen of the country.

The consent of the band is no longer necessary and the long period of probation has been abolished. Each applicant is now examined by a board of three, one of whom is an Indian, and if found fit is immediately enfranchised by an order in council.

Resignation of Mr. Alfred T. White.—A few years ago interlocking directorates were viewed by many with great disfavor. They seem an inevitable accompaniment of large business affairs. So, too, in social work there are some disposed to criticize interlocking directorates. There might be few if more men of ability gave themselves to public service as for forty or more years Mr. Alfred T. White has given himself.

After serving as president of the Brooklyn Bureau of Charities for more than thirty years, Mr. White has found a worthy successor in Mr. Darwin R. James. Upon his retirement the Brooklyn Bureau adopted resolutions of appreciation of the value of Mr. White's leadership, of his generosity, and of the fine influence he had exerted for all good causes in the former city, and now borough of Brooklyn.

More than forty years ago Mr. White was a pioneer in the building of tenement houses that still do good service, and are better planned than any of the houses which barely conform to the Tenement House Law of to-day. From its earliest days Mr. White has been a supporter of the National Municipal League.

The Housing Crisis is the title of a memorandum prepared by the City Club of New York for presentation to the special session of the legislature called to meet September 20. The memorandum urges that housing boards be established in each community of over 10,000 population; the enactment of a constitutional amendment to permit the use of state credit by private builders, and passage of an act enabling cities to engage in municipal housing. The report places little confidence in the proposal to exempt real estate mortgage interest from the income tax, but favors the plan to exempt new dwellings from all direct taxation.

Mr. James W. Routh, director of the Rochester Bureau of Municipal Research, has been able, under an arrangement with the board of trustees of that organization, to devote part of his time to the new profession of consulting engineer on municipal problems. His services are now available in that capacity. There will be no change in the functioning of the bureau or in his connection with it.

Mr. E. L. Bennett has resigned as executive secretary of the League of Minnesota Municipalities to join the staff of the Chicago Bureau of Public Efficiency. Mr. Joseph C. Taylor is at present acting executive secretary of the League and secretary of the Municipal Reference Bureau affiliated with the University of Minnesota.

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THE LAW OF THE CITY PLAN

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By Frank B. Williams

THE LAW OF THE CITY PLAN

ADVANTAGES OF CITY PLAN

If intelligent and careful planning is necessary to the attainment of economy and efficiency in construction of any sort—and it will scarcely be asserted that they are mere matters of luck—it follows that the more complicated and extensive that construction is, the more essential it is that it should be planned. A city is a huge agglomeration of social and economic interests, under many independent heads, each seeking, through the city government, its expression in the physical life of the locality. The aim of that city government should be to harmonize these interests in the unity of the locality, as the only method of giving the greatest expression to each of these interests that is compatible with the fullest expression of the interests of all. Evidently here is an enterprise, extensive and complicated beyond any private undertaking, supremely in need of the guidance of a plan.

Self evident truths are usually difficult to prove. Such truths, while often ignored, are seldom denied, but may with profit be illustrated. The advantages of a city plan are so well stated by Nelson P. Lewis, Esq., chief engineer of the board of estimate and apportionment of the City of New York, and president of the National Conference on City Planning and the American City Planning Institute, in his book entitled "The Planning of the Modern City"[1] that we cannot do better than quote him for that purpose. In his chapter on "The Economic Value of a City Plan," Mr. Lewis says:

[1] John Wiley and Sons, Inc., New York, 1916.

It may not be possible to express the advantages of a good city or town plan in money. Mr. John Burns, who may be called the father of city planning legislation [in England] has said that investment in a good plan, whether it be for new parts of a city or for the correction of older parts, if regarded for a period of a year, may appear expensive; if considered for a period of five years it will be profitable; when considered for a period of fifty years it will be an investment which in subsequent days will make the community regret that it did not adopt it sooner. Mr. Burns further notes that the neglected hamlets of a hundred years ago are the squalid industrial towns and cities of to-day, and he pleads that we so arrange the physical life of a hamlet, village, town or city that it can grow naturally and at each stage avoid the cost, nuisance, ugliness and squalor which one sees wherever a town encroaches on the country.

Instances may be cited [continues Mr. Lewis] where towns have grown very rapidly and have developed into great commercial and industrial cities, although their plans violate almost every principle laid down by city planning authorities. Their growth, however, has been due to certain natural advantages and to the general development and prosperity of the districts tributory to them, and they have grown in spite of the handicap of a poor plan. When its defects and the embarrassment to business due to them become apparent, vast sums are often spent to cure the defects which might have been discovered and avoided had sufficient study been given to the plan when it was first under consideration, and the increased cost of doing business for a period of years and the large sums spent in the correction of the plan might have been saved. The cost of reconstruction has run far into the millions in nearly every large city except Washington, which was so planned as to provide for future growth. To give figures for different towns is unnecessary, but the total would be staggering.

Of the efforts to estimate with anything like precision the economic value of a city plan, Mr. Lewis says:

It is very difficult to capitalize the advantages of any improvement or betterment which is for the free use and benefit of the general public. It may be possible to estimate the pecuniary loss suffered by individuals, by groups of individuals or by corporations through delays and the increased expenses which are due to a bad plan. . . . Estimates could be presented which have doubtless been made with care . . . but those who have made them have been so intent upon making a case that other contributing causes may have been lost sight of. Even if due allowance is made for such omissions, the preponderance of evidence is so great that the general conclusion must be admitted to be sound. It is quite obvious, for instance, that if goods are to be moved from one point to another, and it be necessary in doing so to follow two sides of a triangle instead of traveling along the hypothenuse, there is a loss of time and an increase in cost. . . . To compute the delays which occur to traffic and apply them to the hourly expense of a team and driver and to argue that each team would have accomplished so much more during the working day is to neglect the personal equation of the driver and the improbability of his or his team's disposition or capacity for a sustained maximum effort during the entire working day.

When an attempt is made to estimate the value to the city or the state of the more robust and vigorous manhood and womanhood which would result from better living and working conditions, and the consequent saving in the annual budget for charities and the maintenance of order, we are again dealing with something which we know to be of enormous advantage, but which can scarcely be expressed in dollars and cents.

Such estimates, if not mathematical demonstrations, are nevertheless an aid in grasping the undeniable facts of the case. With this object in view Mr. Lewis points out that:

If a million passengers are carried by surface railways or omnibuses each day—and this number is greatly exceeded in several large cities—and if the loss in time due to traffic congestion through inadequate street capacity averages ten minutes a day, the total loss of time would be equivalent to 20,833 working days of eight hours each. If the average pay of those who were subjected to this delay is assumed to be $3, and if but one half of this time is a loss to their employers, the total loss in productive work during a year of 300 working days would be $9,375,000, to say nothing of the loss of efficiency by reason of worry and wear and tear in reaching their places of employment. This would represent 5 per cent on $187,500,000. If in this same city there were 60,000 horse and motor trucks that are subject to an average delay of half an hour a day, and if they represent a cost of $5 for a day of eight hours, their loss in time, all of which would fall upon the employer or owner, would represent a value of $5,625,000 during a year of 300 working days which is equivalent to 5 per cent on another sum of $112,500,000. It may be argued that the expenditure of $300,000,000 would be justified if these losses could be eliminated.

While such arguments [continues Mr. Lewis] are of little real value, they are frequently used; but why try and prove by figures something which is so evident that it cannot be gainsaid? If improvements to correct such defects and do away with such delays were not worth while, why are they so frequently undertaken? Why, also, is it that the cities which have the courage to undertake them are those which are conspicuous for their rapid increase in population and wealth? What induced them to undertake such great and costly improvements? . . . It was because they found that it paid in the case of other improvements and believed that it would pay again. Did Paris make a good investment when it expended hundreds of millions of francs in beautifying the city and making it a more attractive and beautiful place in which to live and do business? Ask the Parisians and see. Ask them also what prompts them to consider further great undertakings of this kind, unless it is due to the beneficial results of those carried out under Haussmann.

In the same way, Mr. Lewis points out, the vast improvements in German, English, Scotch, South American, Canadian, and our own greatest and most prosperous cities, have justified themselves with the people who have paid for them; and he points his moral as follows:

But why continue to put questions, the answers to which are self evident? Yes, a good city plan pays. The benefits . . . are quite ap-

parent and every town which has tried to improve its plan seems satisfied that it has done a wise thing and would not go back to its old conditions. . . . How much better then if this enormous cost of rearrangement could have been avoided by a more careful study of the plan when it was first worked out. That would be constructive city planning, the advantages of which cannot be computed in money but which can readily be realized when we consider the enormous expenses which have been incurred by cities where this preliminary study was not given and where the corrections had to be made at a subsequent time.

WHAT PLAN SHOULD CONTAIN

Since the aim of city planning is the attainment through unity of efficiency and economy in city construction, there must be in all the steps of that construction a plan, in outline at least, of the city as a whole, to which any part of that planning, however small, shall relate to be followed from time to time by the planning of details, extensions, and such modifications of existing features as unforeseen changes or further experience and study seem to dictate.[1]

The complexity of city life being great, the factors in its physical development are numerous. In order to secure unity, the plan of the city should include and harmonize as many as possible of these factors, public, semi-public and private whether within the legal limits of the city or outside them, if near enough materially to affect the city or be affected by it; such as the street system, the water front and its improvements, the parks and other open spaces, the public and semi-public buildings and their sites, the transportation systems, local and long distance, with their freight and passenger stations and terminals, the gas, water, electric, and similar public utility systems, the subdivision of building land and the height, area with relation to the size of lot and use of structures on it.

PARTIAL PLANNING

Very few cities in this country have comprehensive city plans, although in many of them certain features have been thought out and executed with care and with good results. This partial method of planning is open to grave criticism. New York, for instance, built an extensive system of subway and elevated transportation to relieve congestion in the older parts of the city which, for lack of zoning restrictions, has been instrumental in adding new congested areas to the old ones. Nevertheless partial planning is by no means necessarily a mistake. The American public is not educated to the need of a comprehensive plan, but is sometimes alive to the advantages of some one feature of such a plan as, for instance, transportation or zoning; and the planner unable to do what he would, must do what he can. In such cases, however, the need of the general plan should always be kept in mind and as an incident of the smaller work, as much of the larger done as is feasible. This is in fact the practice of wise city planners. For instance all good zoning is based on preliminary surveys, which are partial planning studies.

[1] The legal map of a city consists of many sheets, each showing one or more features of the plan for a section of the city. For the provisions with regard to the map of the city of New York, see the Charter (4th ed., 1918, by Mark and Wm. Ash) ch. X, title 4 (sec. 438–449). For similar provisions with regard to the map of Philadelphia, see Purdon's Digest of Statute Law of Pennsylvania, 13th ed., vol. III, p. 2942 ff. and supplement, 1905–15, p. 6744. The Pennsylvania law for second class cities is much the same: *ib.*, vol. III, p. 3088, sec. 569. For similar provisions for Baltimore, see sec. 84–86 of "A Code of Public Local Laws of Maryland," art. 4, title "City of Baltimore," subtitle "Charter."

ENFORCEMENT OF PLAN

The city plan, in order that the many features included in it may conform to it in their development, must be enforced. These features are widely different in their nature and characteristics and the measures to be taken to secure this conformity must vary accordingly. The public features, such as highways and public open spaces, are constructed entirely by public officials, whose acts may be controlled absolutely by the city. The semi-public features, such as the privately owned utilities, are chartered by the state; but their operation and location in so far as it is on, over or under public property, is usually subject to the city's consent. To that extent, therefore, directly and by this means to some extent indirectly the utility may be controlled by the city. The private features, such as land privately owned and structures erected on it by private persons, the city can control only in so far as our constitutions, state and national, permit by virtue of what is known as the "police power." A measure of public control over private land and the uses to which it may be put is essential to the planning of both the public and the private features of the city. The planning of the city's private features is accomplished for the most part by the regulation of the height, area and use of buildings. This subject is discussed in a former supplement to this magazine on "Zoning"[1] and will be referred to only incidentally here.

A measure of public control over land which is, and is to remain, in private ownership and use is essential to the carrying out of the public features of the city plan. The city could ensure the possibility of the construction of its public features as planned by purchasing the land needed for them, if this were feasible; but prudent planning must always anticipate present needs by many years, and cities, for lack of the necessary funds, seem never able to purchase more land than is required for the immediate future. Unless, therefore, the city can by some method make adherence to the public features of the plan binding upon the owners of the land affected by it, this land is sure to be used in ways which will make it impossible when the time comes, to construct these features as they were originally planned. This the history of many American cities only too clearly proves.[2]

In foreign countries where city planning has been most successful, adherence by the land owners to a plan containing a few of the main features of the future city is secured by providing that no land owner shall improve his land in any way which will interfere with the carrying out of that plan; or that when the public subsequently takes the land, any improvement infringing upon the plan made subsequent to its adoption shall not be paid for. In this country it has been held by our courts that such a provision limiting the owner's right to use his land is a taking of property rights without compensation, and forbidden by our constitutions.[3] The purpose and usual effect of a plan is not to deprive a

[1] By Edward M. Bassett, Esq., issued with the May (1920) number of the NATIONAL MUNICIPAL REVIEW.

[2] See the report of Dr. Robert H. Whitten, at that time secretary of the Committee on the City Plan of the Board of Estimate of New York City, to that committee, dated November 20, 1917, on the "Erection of Buildings within the Lines of Mapped Streets."

[3] See the report just cited. The law is settled to the effect as stated in the text everywhere in the United States where the question has arisen, except in Pennsylvania. The cases are given in Lewis, Eminent Domain, 3d ed., sec. 226.

man of any profitable use of his land but to help him to develop it to the best advantage for himself as well as for the community. Nevertheless it is unlikely that these decisions will be overruled; for unquestionably plans could be made which if delayed in execution must work unjustly to certain land owners. It has been suggested that the plan, in so far at least as streets and public open spaces are concerned, might be established by taking and paying for an easement compelling the land owner to observe the plan; but the double procedure involved in condemning first an option on the land in its existing condition and then the land itself would undoubtedly be too cumbrous and expensive, and any such law would probably remain a dead letter.[1] A more practical suggestion is that, under the police power and without payment, any land owner proposing to make an improvement contrary to the plan should be required to give the city prior notice of perhaps six months, in order that the city might exercise its right of taking and paying for the land under condemnation proceedings.[2] No such law exists, but a number of laws provide that the owner of land, before he lays out streets with lots abutting on them for sale and attempts to record the plan, shall submit his subdivision to the city for approval before the plan shall be recorded; and also forbid utilities in streets until such approval is obtained. The private street, laid out by the land owner all too often for his immediate profit, with no regard for the interests of the city as a whole or those of the people who are to live on the tract in question, while by no means the only offender against the city plan, is probably the commonest one; and when the lots on such a street are sold to innocent purchasers and houses built on them, the city is practically forced to accept the street as a part of its public system; the only alternative being to allow the street to remain in private control, thus continuing one evil without lessening the others. The provision for approval as a prerequisite to record is effective; it is impossible in this country to sell land without a record title. The provision is also, probably, constitutional, record being not a right but a privilege which the law, for reasons of public policy, may withhold.[3]

[1] There is such a law in Connecticut for the planning of towns. Rev. stats. 1918, sec. 391–396.

[2] See the report on the "Erection of Buildings within the Lines of Mapped Streets" already referred to; and for a more radical suggestion, see "A Survey of the Legal Status of a Specific City in Relation to City Planning," by Edward M. Bassett, in the *Proceedings of the Fifth Conference on City Planning* (Chicago, 1913) pp. 46–48.

THE CITY PLANNING COMMISSION

The prevailing form of planning executive in this country, both for cities and for smaller communities, is the commission. The first permanent official planning commission was appointed in Hartford, Connecticut, in 1907[4] and there are now hundreds of such commissions in the United States. Prior to 1907 city planning was wholly a voluntary movement of private citizens, inaugurated by a chamber of commerce or other society or by a committee formed for the purpose and supported entirely by private funds. By such experiments the feasibility and usefulness of

[3] See cases cited in 13 Cyclopaedia of Law and Procedure, p. 597, note 599; also *State* v. *Register of Deeds*, 26 Minn. 521; *Van Husan* v. *Heames*, 96 Mich. 504; *Welever* v. *Auditor Gen.*, 143 Mich. 311; *Contra*, *State* v. *Moore*, 7 Wash. 173.

[4] Special Laws, Conn. 1907, no. 61, amended; *ib.*, 1909, no. 34, sec. 6, and no. 74.

planning was proved sufficiently to induce the public authorities to adopt it. Thus to this citizen movement we owe official city planning in this country; and any community which cannot obtain an official planning commission should form an unofficial one, as a first step to that end.

In the beginning of the city planning movement planning commissions were often created for the purpose of preparing a city plan, and when this was done, ceased to exist; but the mistake of such a policy is now generally realized, and almost invariably permanent commissions are now appointed. The city is not a static thing to be made complete, according to model once for all, but a growing and changing organism. Not only must the plan be prepared but it must be enforced on forgetful and sometimes unwilling city officials and property owners, and added to or modified as the growth and change of the city demands. All this requires the watchfulness and study of a planning executive,—a duty which the commission that prepared the plan, if a proper one, is best fitted to perform. The planning commission should, therefore, from the start be a permanent one.

Official commissions can come into existence only by virtue of law; but it does not follow that in all cases an express law must be passed authorizing such a commission or it will be impossible to obtain one. If the commission is to have simply advisory power,—and, as we shall see, such a commission is by no means powerless, —the city can, in all probability, create it under its general powers; and in many cities planning commissions created by the legislative body of the city, or planning committees of that body appointed by it, to whom it refers planning matters which come before it, exist, and have done good work without any express provision of law authorizing them.[1]

In a number of states some or all cities or other local governments are given by law or constitutional enactment the "home rule" right to adopt or amend their own charters and may, therefore, include in them a provision for a city planning commission, with more than advisory power, if that is their desire; the extent of that power depending upon the laws and constitution of the particular state.[2] As a rule such cities may give planning commissions so created all the planning power which the city itself possesses. Cities under a commission form of government do not consider it a departure from principle to create planning commissions.

In several states planning commissions, for all or certain classes of cities or individual cities or cities and smaller communities are provided for by express statute.[3] Under these statutes the local authorities are in some cases directed to create commissions;[4] but most of these statutes are permissive, these authorities being given the power to exercise or not as they see fit. The advantage of permissive statutes is that they compel the advocates of planning to educate the community to its use before the attempt to plan is made.

[1] Examples of planning bodies so created are the Commission for Bridgeport, Connecticut, authorized by the Common Council August 18, 1913; that for Providence, Rhode Island, authorized by ordinance, ch. 599, No. 407, approved December 2, 1913; and the committee of the Board of Estimate and Apportionment of New York City, authorized by it January, 1914.

[2] See on this subject generally "The Law and Practice of Home Rule," by Howard Lee McBain, Columbia University Press, New York, 1916.

[3] See Tables of Statutes below.

[4] As, for instance, in Massachusetts; the citation is given in the table just referred to.

There are various methods of appointing or designating the members of planning commissions. When the commission comes into existence under the city's general powers, if created by the mayor, its members are appointed by him; or if created by the council, its members are appointed by it or it authorizes the mayor, with or without its concurrence, to appoint them; for while there is no legal reason why there should not be more than one such planning commission in existence in the same city at the same time, it is not probable that this will occur.

When commissions are formed by virtue of a statute or a charter provision, the statute or charter provides for a method of their appointment. In some cases the city council, authorized to create a commission if it sees fit, is also authorized to decide how its members shall be named; but usually the law directs that, in so far as the members are not designated by law, they shall be appointed by the mayor or by the mayor and council. Appointment solely by the mayor would seem to be the better method. The principle of centralizing both power and responsibility in government is now universally regarded as the correct one, especially in the appointment of officers for the performance of duties with regard to which the general public has little knowledge and interest. This is a part of the well known "short ballot" principle.

MEMBERSHIP OF COMMISSION

The number of members of the commission is as a rule between five and fifteen, the usual number being seven or nine. In special cases, as in metropolitan planning, where several local governments are involved, there is much to be said for a large commission, although even in that case it should be avoided if politically possible; and often for special work such as for instance the preparation of zoning regulations and maps, a representation of the various interests involved larger than that which the usual planning commission affords, seems desirable; but a sub-committee may be formed to aid in that work, without enlarging the permanent commission. That commission in city planning should as a rule be kept small; for while it is important that it should be representative, it is even more so that it should be efficient, as the large commission in executive work seldom is.

The provisions with regard to the qualifications which the members of the commission shall have for the work vary in the different laws and ordinances under which the commissions are appointed, in some cases the appointing authority being left free to use its own judgment, in others that authority being required to select men skilled or learned in certain matters; in still others, and this is the more common provision, the law requiring that a part, generally from a half to three quarters of the whole, shall be the incumbents of certain designated city offices, while the rest, to be selected by the appointing authority, shall be citizens holding no other city office. In a few cases the law provides that not more than one or two of these selected members may be non-residents.

The city officials who *ex-officio* are oftenest designated as members of the planning commission, are (in the order of frequency) the mayor, the chief of the department of public works, the head of the park board or department, and the city attorney. Often, too, a representative of the legislative branch of the city government, or even of its two branches, if it is bicameral, are so made members. The periods of time for which the selected commissioners

are appointed are usually made overlapping so as to secure a measure of continuity.

The reason for including on the commission both city officials and lay members is that both the immediate and the more far-reaching points of view may be represented. The plan must be sufficiently ideal to provide for progress, sufficiently general to unify the city in its growth, sufficiently prophetic to provide for the future; but the ideals must be capable of practical fulfilment and closely related to the city as it is. There is also the danger, especially in the large cities, that the officials will be too busy with what they are likely to regard as duties which are more specially theirs, to give attention to planning. The individual problems of each city may well modify the choice of members for the commission. It should be remembered, however, that the commission is entitled to the assistance and advice of the city officials. There is, for instance, little need for including the city attorney as such in the membership.

POWERS OF COMMISSION

The powers of commissions in matters relating to city planning under the various laws may be characterized as those of (1) general advice; (2) advice a prerequisite to action by other city authorities; (3) advice which may be overruled only by more than a majority vote of the city council; (4) absolute control. In addition such commissions are given powers of various sorts with regard to special phases of planning, made the agent of the city in various matters of city construction or required to perform certain duties for the city.

General Advice

Practically all planning commissions, including those which are granted additional powers,[1] are given the right to make a plan of the city and its environs, whether within the legal limits of the city or not. This plan as a rule may contain anything which the commissioners think bears on the planning and construction of the city, even if in some cases the city has no power to act on it. The commission may also make reports on any or all of these matters, and give advice to city officials, or private corporations and individuals with regard to them. The right to receive full information of the action of the city authorities on planning matters as soon as it is inaugurated and before such action becomes final, is often added.

Innocuous as this power seems, it is nevertheless most useful. A good plan, backed up by intelligent publicity, of itself has great influence on the community and on city officials. Gradually some of its features, more or less modified, sometimes for the better, often, unfortunately, for the worse, are carried out; and even if city improvements, rightly or wrongly so called, are made in disregard of it, blocking some of its important features, there is every probability that its influence for good will reassert itself later. Most of the earlier commissions were given merely the power of advice, and nevertheless justified their existence; and a number of the later statutes are similar in this respect.[2]

[1] Such as, for instance, those created under the Minnesota, New Jersey, New York and Ohio laws, given in full in Text of Selected Statutes below.

[2] As, for instance, the commissions appointed under the Massachusetts laws. The reference is given in the Tables of Statutes. Of this character also are the laws of New Jersey, 1911, ch. 71, and 1913, chs. 72 and 170, and the later laws of California, Nebraska and Oregon, listed in the table of laws already referred to.

Advice a Prerequisite to Action by Other City Authorities

Most of the recent laws for the creation of planning commissions, in addition to granting them the power of "general advice," provide that before any other city authority takes final action on any one of certain specified matters, it shall notify the commission and await for a certain time a report from it. That report the commission is given the right and duty to submit, but the authority concerned may disregard if it sees fit.[1] This is in accordance with the best thought on the conduct of representative government. If power and therefore responsibility are divided between the commission and the authority concerned, the voters do not know whom to hold accountable for action or inaction and its results; but under the provision in question that authority is required to listen to the advice of experts, but must itself act and assume full responsibility for so doing, in other words, is unable to indulge in the favorite political game of "passing the buck."

Advice to be Disregarded only by more than a Majority Vote of City Council

In several laws and ordinances for the creation of planning commissions the recommendations of the report which is a prerequisite to final action can be disregarded only by a vote of more than a majority of the city council, the usual requirement being two thirds.[2] The purpose of such a requirement is to increase the power over city planning matters of the experts in these matters without unduly dividing authority. In certain matters where stability is especially important there is much to be said for such a provision; but its wisdom in all the many matters of city government and construction which should be within the jurisdiction of the planning commission is more doubtful; for certainly city business must be promptly done, and it is to be feared that by such a requirement either the field of usefulness of the commission would be unduly limited, or the city's business confused and delayed.

Absolute Control

In one or two cases[3] the commission is given the right to make a report on the matters deemed of importance in planning, which the other city authorities must follow; or is made the power in the first instance to decide and in some cases to carry out the city's policy in these matters. Under such a system the commission is in reality the board of public works of the city, which loses the advantage of having a planning commission with the measure of detachment essential to the task of planning. Usually, too, such matters have a legislative side, and questions of policy with relation to them should be decided by a legislative body, with the advice and subject to the criticism of experts. If the commission is given complete authority in these matters, this advantage is forfeited.

Method of Conferring Powers upon Commission

The powers granted to commissions vary greatly in character, and the methods of conferring them should

[1] The law of Minnesota is of this class; and also the special law for Hartford, Connecticut, already mentioned, special laws for a number of other Connecticut cities, and the law of Wisconsin, in the table just referred to. See in this connection also the New York law, printed in full in text of selected statutes below.

[2] To this effect are the laws of New Jersey and Ohio, printed in full in Text of Selected Statutes below.

[3] As, for instance, in Cleveland, under the provisions of its charter and ordinance, printed in full in Text of Selected Statutes below.

vary accordingly. In so far as the power is that of "general advice," which other officials may profit by, but are not required to regard or even await in their action, there can be no harm and may be much good in giving this power in the broadest terms; and such is the general practice. Even matters with regard to which the city has no legal right to act are included. This is done, as a rule, by empowering the commission to make a map of the city and its environs within and without its legal limits, including in it all matters which the commission deem relevant, and also, for full measure, giving it specifically the right to investigate, report, and advise officials and private parties on all such matters.

When the report of the commission is made a prerequisite to action by other city departments, this power of report, whether it may be disregarded or overruled by these departments or not, should be limited to the consideration of the more general aspects of those few matters which most vitally affect the city plan; for the number of matters which relate to the city plan are very great indeed; there is very little of the city's business which does not in some degree or detail have such a bearing, and to refer most of the business transacted by the entire body of the city's officials to any one authority would cause intolerable friction and delay, even if these officials were under no obligation to follow its advice.

Perhaps the best method of giving this carefully defined power to the commission is to establish an official city map of those features which, unlike the commission's "general advice" map, city officials shall be compelled to follow. This map should become binding when adopted by the legislative branch of the city government, and should of course be amendable in the same way in which it is adopted. It should be the duty of the planning commission to prepare this map and suggest such additions and changes in it from time to time as seem desirable. Being binding upon the city no improvement could be inaugurated until first made legally a part of the map; and the adoption and change of this map should be forbidden until referred to the commission. More or less adequate precedents for such a map exist in legislation and practice in the country.[1] In default of such a map the matters in which a report from the commission is a prerequisite to final action may be referred to it by naming them in the statute or ordinance.

Among the features of city construction which it seems clear should be referred to the commission in this way are highways of all sorts, including parkways, with their building lines or set backs,[2] sewers, water pipes, conduits, bridges, viaducts, tunnels, and other incidents; and parks, playgrounds, squares, and other public open spaces; and the water front, with its pier and bulk head lines, docks, warehouses, and other harbor improvements; and public buildings; and privately owned buildings, such as street railway stations and ferry sheds, in so far as located on public property; and transit lines and other public utilities, both on public and on private property, in so far as the permit for them is issued by the city. A precedent for the inclusion of most if not all of these features will be found in legis-

[1] Perhaps the best is that of New York City. For a reference to the provisions with regard to the map of that city see p. 665, note.

[2] Building lines or set backs are a part of the official map of New York City. Laws, 1917, ch. 631–632 (called "Court Yards Abutting Streets").

lation in this country.[1] Some statutes go further, embracing all "public improvements";[2] but this would seem to be both too broad and too indefinite.

The same care that must be exercised in deciding what features of city construction shall be referred to the commission is needed in determining in what detail these selected features shall be so referred. Certainly it should pass upon the "location" of these features, which should include change of location, enlargement, alteration, discontinuance, etc.; and upon the width and grade of highways; and upon the plotting of subdivisions of private land; for all of which there is precedent in this country.

In some laws the commission is directed to pass on the "design"[3] of features with regard to which it is given jurisdiction. This is giving the commission duties proper for an art commission to perform, and is wise only when such a course is advisable.

Art Commissions

In several statutes[4] the planning commission is also the art commission of the city. Except in small cities or towns, where it may be difficult to find suitable men in sufficient numbers to serve on the two bodies, the wisdom of this course is doubtful. To prove this assertion fully it would be necessary to define the duties of art commissions, which, for lack of space, cannot be done adequately here. Briefly, the main duties of such commissions are two in number: they should guide the city in its own work and defend it from the mistaken generosity or egotism of donors, in order that it may not be defaced but adorned in its growth. It is true that beauty is and must be an integral part of construction and not an afterthought; it is true that beauty and fitness for the purposes for which the structure or other improvement is intended cannot be divorced, or either one of them considered separate from location. Nevertheless the type of man who is fitted to serve on an art commission and on a planning commission are widely different, and better results will be obtained where it is possible to keep the two commissions co-operating but separate.

Miscellaneous Powers

In the various planning laws and ordinances commissions are given a variety of specific and limited powers and entrusted with a number of duties, some more or less closely related to planning and others having no particular connection with it. The disadvantages of combining planning and art commissions have already been pointed out. The union of the planning and park boards, as provided for in some laws,[5] is open to the same objection. The planning of the details of parks, and their use and maintenance, is a task which should be entrusted if possible to specialists. Under some laws the commission is given full power in the selection and condemnation of land for certain public purposes, such as parks.[6] This, to the extent

[1] This statement is based upon the examination of the statutes for the preparation and adoption of plans or maps and the appointment of planning commissions cited in the notes and tables of this article; to which the reader desiring to verify it is referred.

[2] Minnesota, 1919, ch. 292.

[3] As, for instance, in the Wisconsin statute, already referred to.

[4] As, for instance, the law for the planning of third-class cities, etc., in New Jersey, printed in full in Text of Selected Statutes below.

[5] Mass. Acts 1915, ch. 165; ordinance, City of Schenectady, New York, approved December 9, 1912; Connecticut Special Laws 1913, no. 351, sec. 10.

[6] Detroit Charter, ch. X, sec. 7 (f); Akron, Ohio, Charter, sec. 102.

that it makes the commission practically the board of public works or the council of the city, is open to the same objections that have been urged to other provisions having such a result. Without citing all the powers of this nature conferred upon planning commissions in the various laws and ordinances,[1] it may be said in general that in so far as possible the duties of the commission should be limited to planning.

Zoning

The duty of preparing and to some extent administering the zoning regulations of cities is of late more and more entrusted to planning commissions. This is planning work which such commissions are well fitted to do. Such a policy tends to unify all branches of planning. To what extent the policy is feasible and how it should be carried out and how aided by the work of other authorities cannot be developed here. Fortunately the subject has just been treated most ably and fully in the "Zoning" supplement to this magazine already referred to.

METROPOLITAN PLANNING

It is a common thing for a city in its growth to overflow into the territory outside its legal limits. Before this occurs it is essential to the best interests of all concerned that this outlying territory, destined in fact if not in law to become a part of the city, should be laid out in conformity with the plan of the city, and to that end it is most desirable that both should be under some common planning authority. This can be brought about completely by a reasonable extension of the city's legal limits, or to some extent by giving the city the power to approve plans for the plotting of extensions or other subdivisions outside and within a certain distance of the city's boundaries. When this outside territory is already more or less thickly populated, and organized into local governments, there is still the possibility and the need of making common plans for the further development of what is sociologically one great city divided by artificial jurisdictional lines. In this case the city boundaries may still be enlarged to take in these communities; but there are many objections to the extension of the planning jurisdiction of the city over local communities which have no voice in the city's government. A third alternative is the creation of a metropolitan planning district, with a planning commission, in which all the local governments are represented, at its head. In this way planning is done as a unit; but in other matters the local communities govern themselves, unless, indeed, there are other activities which these communities find it expedient to exercise in common. There is precedent for such commissions in this country.[2]

Where the metropolitan district consists of many cities and towns, as for instance the districts around Boston, Philadelphia or New York, it is too late to prevent the complexity and confusion which already exist, and also more obviously necessary, as well as difficult, to mitigate their effects and prevent their increase by metropolitan planning. Where the district is in two states the legal difficulty of creating a common authority would not seem to be insuperable. The great need of developing the port of New York as a unit has occasioned the appointment of a joint New York-New Jersey commission, which is

[1] See Detroit Charter, ch. X, sec. 7 (C); Connecticut Special Laws 1907, no. 61, sec. 5; Minnesota 1919, ch. 292, sec. 3.

[2] In Pennsylvania. The statute is given in full on p. 686.

proposing the creation of such an authority.[1]

REGIONAL PLANNING

A city is not complete in itself, but dependent upon the resources of the district in which it is situated, just as that district is dependent upon the city where its interests focus. Quite as important as city planning is the planning of entire regions, with their resources, and the distribution of population and industry with due relation to these resources. There is as yet no provision for the enforcement of any such plan. If made, it would be advisory, and as such, nevertheless, of great value. There is no legal reason why the nation, or state, or any local government within the state, should not make regional plans for the information of its citizens.

COUNTY PLANNING

A county, if its characteristics are those of a metropolitan district, may, and if properly organized for the purpose should, be empowered to do metropolitan planning. In so far as it is not such a district, there is every reason why it should do regional planning. Many features of the county, such as parks, main roads, sewerage and streams, could with advantage be regulated for the common good of all its inhabitants. The county could also encourage local planning within it, and the formation of local planning commissions for the purpose. There are already two such planning commissions in this country, with advisory powers.[2]

STATE PLANNING

In a number of European countries the supervision of the planning of local governments, the supplementing and harmonizing of their plans, and to some extent regional planning, are functions of the central, or of the state government. This function has also been assumed by a number of the provinces of Canada[3] and, to the extent of experimentation, investigation and advice, by the dominion government.[4] In this country one of our states has also created a state planning authority with advisory powers, and bodies with somewhat similar powers exist in other states.[5] The creation of such a department of our national government has also been proposed.[6] State and national plan-

[1] The commission is entitled the "New York, New Jersey Port and Harbor Development Commission," appointed under New York, Laws 1917, ch. 426, and New Jersey, Laws 1917, ch. 130. The reports of this commission contain a draft of the provisions for the creation of a single authority and a brief in defense of its legality.

[2] In New Jersey and New York; see Tables of Statutes below.

[3] This power is exercised by the officer or department having supervision in the particular province, over local government.

[4] Under the Commission of Conservation, created by 8–9 Edward VII, ch. 27 (1909); 9–10 Edward VII, ch. 42 (1910); and 3–4 George V, ch. 12 (1913), Canada.

[5] See tables of statutes and texts of selected statutes below.

[6] The proposal in question, which had the support of many associations and individuals interested in housing and planning, was embodied in a "Bill to create a Bureau of Housing and Living Conditions in the Department of Labor," introduced in the National House of Representatives (66th Cong., 1st sess., July 8, 1919, no. 7014) by Congressman Tinkham of Massachusetts, which failed of passage. That town planning was intended to be included in its scope is indicated by the speech of its introducer (Cong. Record, vol. 58, p. 8913, July 12, 1919). Obviously planning is the proper method of improving housing and living conditions. The Republican national platform, also has come

ning, nowhere developed as it should be, is more noticeably lacking in the United States, and more needed, perhaps, than in any other country.

TABLES OF STATUTES

Planning Commission Laws

City Plan Commissions. Statutes authorizing or requiring the appointment of City Planning Commissions, expressly or impliedly authorize or require a city plan. Such statutes will be found in:

California, 1915, ch. 428, now Gen. L. no. 2389j. The statute applies only to fifth and sixth class cities. Many of the cities of Classes I to IV have charter provisions authorizing the appointment of City Planning Commissions; and they all have the power of adopting home rule charters which shall include such a power.

Connecticut. Many cities and towns have provisions in their charters or are empowered by special statutes to appoint commissions. Any town, city or borough in the state is now authorized to create such a commission. P. A. 1919, ch. 60.

Massachusetts, 1913, ch. 494, as amended 1914, ch. 283, and 1915, ch. 165.

Minnesota, 1919, ch. 292. Under Art. IV, sec. 36 of the State Constitution, cities and villages are also given the right to frame and amend their own charters and therefore to adopt plans and appoint planning commissions.

New Jersey, 1913, chs. 72 and 170; 1915, ch. 188, amended 1916, ch. 175.

New York, 1913, ch. 699, being Art. 12-a of the General Municipal Law.

Ohio Laws, 105–106, p. 455 (1915) being Stats., sec. 4366–1 to 6. Municipalities are also, by home rule provisions, authorized to frame their own charters and may thus obtain permission to adopt maps, appoint planning commissions, etc.

Pennsylvania, 1911, no. 345; 1913, no. 406.

Wisconsin, 1909, ch. 162, amended 1917, ch. 404 now Stats. 959–17 a to j.

Special Laws and Charter Provisions, and Home Rule Powers in many other states authorize municipalities to adopt plans and appoint planning commissions; and many municipalities have taken advantage of these powers.

County Planning Commissions exist in two states:

New Jersey, 1918, ch. 185, Art. XVI.

New York, Westchester County, 1915, ch. 109.

A Metropolitan Planning Commission was appointed for Philadelphia and environs under Pennsylvania, 1913, no. 226; repealed, however, in 1915, thus abolishing the commission.

Advisory Commissions may, as a rule, be appointed without express authority of any sort, and many planning commissions of this sort have been created.

A State Planning Department has been established in Pennsylvania under 1919, no. 34; and the Immigration and Housing Commission of California (Laws 1917, p. 1514, ch. 740) and the Homestead Commission of Massachusetts (Laws 1911, ch. 607, 1913, ch. 595) collect and disseminate planning information. In Massachusetts there is also a Federation of Planning Boards. California has a Capital City Planning Commission. The law is reprinted below.

City Plan Laws

Laws for the appointment of planning commissions usually authorize the preparation and in some cases the

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out in favor of making available to the people the valuable housing and town planning information which the national government has collected during the war and keeping it up to date. This can be done only by the establishment of a housing and planning bureau with advisory power in the United States government.

adoption of a plan; as do the following statutes:

Rev. Stats. Connecticut 1918, sec. 388, 390, 1919, ch. 60. In Pennsylvania every municipality is required to adopt a street plan. Act of 1891, approved May 16, amended 1913, no. 430.

Laws Making Approval of Plats A Prerequisite to Record

Of the many statutes forbidding record of plats, etc., without the approval of the municipality, or other political division in which the land is situated, the following may, perhaps, with the most profit be studied:

California, 1915, ch. 756.

Connecticut, Special Laws 1909, no. 74 (Hartford) and ordinances thereunder.

Minnesota, 1919, ch. 392, sec. 5.

Nebraska, 1917, ch. 87, sec. 3.

New York, 1913, ch. 699 being Gen. Mun. Law., Art. 12–a, sec. 238; 1916, ch. 513 (New York City).

Ohio Gen. Code, sec. 4352.

Oregon, 1919, ch. 311, sec. 8.

Pennsylvania, 1913, no. 430, 1911, no. 345.

Statutes forbidding such record without the approval of the city where the land is situated outside of, or within a certain distance of it (usually three miles) are to be found in the following states:

New York, 1913, ch. 370 (Syracuse).

Ohio Gen. Code, sec. 4346.

Pennsylvania, 1913, no. 406, already referred to.

Virginia, 1918, ch. 419 (15 miles).

Wisconsin, 1909, ch. 162, amended 1917, ch. 404, now Stats. 959–17 a to j (1½ miles).

TEXT OF SELECTED STATUTES

Commissions for Cities, Towns, etc.

Minnesota

Section 1. *City planning department for Minneapolis; commission and membership.* That an additional executive department in the government of cities of the first class not organized under section 36 of article IV of the state constitution shall be created to be known as the "city planning department" which shall be in charge of a city planning commission, consisting of nine persons. One shall be the mayor of the municipality; the city council, the school board, the park board and the county board of the county in which the municipality is situated shall each select one of its own members, as a member of the commission, in January of each odd numbered year; and four legal voters of the municipality not members of any of the above bodies or boards shall be appointed by the mayor with consent of the city council of the municipality. The first appointments shall be made as soon as practicable after the passage of this act.

The appointed members of the commission shall serve for four years. The first members first appointed by the mayor shall so classify themselves by lot that one of the number shall go out of office at the end of January of the odd year next after their appointment; one at the end of one year thereafter, and one at the end of two years thereafter; and shall certify the result of the classification to the city clerk. Vacancies for any unexpired term shall be filled by appointment as in the first instance.

The members of the commission shall serve without compensation, but the commission may with the consent of the city council employ engineers or other persons and incur such other expenses as are deemed necessary.

The commission shall make and alter rules and regulations for its own organization and procedure. It shall make an annual report to the city council.

The term "city council" means the principal governing body of the municipality.

Sec. 2. *Powers of commission.* The city planning commission shall have power, except as otherwise provided by law:

1. To acquire or prepare a comprehensive city plan for the future physical development and improvement of the city, based primarily upon public utility, convenience and general welfare, which plan shall be known and designated as the official city plan.

2. To prepare and recommend to the proper officers of the municipality, specific plans for public improvements consistent with the comprehensive plan for the city.

3. To recommend to the city council of the

municipality, ordinances regulating the height, location and ground areas of buildings and structures, and ordinances providing for the division of the city into districts or zones based upon the height, ground areas and use of all buildings and structures.

SEC. 3. *City council may grant certain powers.* The city council of the municipality may pass ordinances authorizing the city planning department to administer and enforce ordinances relative to city planning.

SEC. 4. *Commission to approve public improvements contemplated.* No public improvements shall be authorized to be constructed in the municipality until the location and design of the same have been approved by the city planning commission, provided in case of disapproval the commission shall communicate its reasons to the city council, or other governing body which has control of the construction of the proposed improvement; and the majority vote of such body shall be sufficient to over-rule such disapproval. If the reasons for disapproval are not given to the city council or other governing body within thirty days after the plans for the public improvements are submitted to the city planning commission, said plan shall be deemed to be approved by the city planning commission, provided that the term "public improvements" shall as herein used include "works of art" as defined in chapter 154, General Laws 1901.

SEC. 5. *Plans, plats, etc., to be submitted to commission for approval or rejection.* All plans, plats, or replats, of land hereafter laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public use, or for the use of purchases or owners of lots fronting thereon, or adjacent thereto, and located within the city limits, shall be submitted to the city planning commission for its approval; and it shall be unlawful to receive or record such plans in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of such plan, plats or replats, by the city planning commission, shall be deemed a refusal by the city of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance by the city of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvements of any such dedicated parts, until the proper authorities of the city shall have made actual appropriations of the same by entry, use or improvements.

The duty of the city planning commission in accepting or rejecting a plat shall be deemed legislative and discretionary and not administrative.

SEC. 6. This act shall take effect and be in force from and after the date of its passage and approval.

[Laws 1919, ch. 292.]

Approved April 17, 1919.

New Jersey

1. This act may be referred to as the "Municipal Plan and Art Commission Act." It shall apply to all third class cities, fourth class cities, boroughs, towns, townships and incorporated villages of this State (and only to those) which shall accept the provisions of this act as hereinafter stated.

2. Any municipality mentioned in section one of this act may be a majority vote of the mayor and common council, or other similar governing body of whatsoever name called, authorize the appointment of a municipal plan and art commission for such municipality. Such commission shall consist of six men, all of whom shall reside in said municipality, and one of whom may be a member of the common council or other similar governing body of the municipality. The commissioners shall be appointed by the mayor or other head of the municipality, with the advice and consent of the council or other similar governing body, as the case may be. Each commissioner shall be appointed for a term of six years, except that when the commission shall be first created, one commissioner shall be appointed for a term of six years, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year, except also, in case of any vacancy occurring in said commission, the vacancy shall be filled for the balance of the unexpired term in each instance as it arises; to the end that such commission shall be maintained as a continuing body with normally one commissioner to be nominated by the mayor and confirmed by the council in each year. In every municipality in which a municipal plan and art commission shall be appointed under the provisions of this act, the mayor or other executive head of such municipality shall also be *ex-officio* a member of such commission during his term of office.

3. After January first, one thousand nine hundred and sixteen, in every municipality mentioned in section one of this act which shall not have constituted a municipal plan and art commission in the manner prescribed in section two of this act, legal voters residing therein in number equaling or exceeding twenty per centum of the votes cast in the last preceding election for municipal officers may, by petition addressed to the clerk of the county in which such municipality is located, call an election of the legal voters of such municipality to vote on the question as to whether such municipality shall have a municipal plan and art commission under the provisions of this act. Such petition, with the execution thereof proven by the oath of one or more witnesses, shall be filed with said county clerk. The election shall be held at the same time as the next succeeding election of members of the General Assembly of the State of New Jersey, following the filing of said petition and by the same election officers. The ballot shall read as follows:

	For the appointment of a Municipal Plan and Art Commission to serve without pay.
	Against the appointment of a Municipal Plan and Art Commission to serve without pay.

and shall be printed on and as a part of the regular official ballot. If a cross mark shall be placed in the square opposite the words "For the appointment of a Municipal Plan and Art Commission, to serve without pay," the vote shall be recorded as in favor of the proposition. If a cross mark shall be placed in the square opposite the words "Against the appointment of a Municipal Plan and Art Commission, to serve without pay," the vote shall be regarded as against the proposition. The result of such election shall be declared by a certificate or certificates signed by the election officers conducting such election and within three days after such election, such certificate or certificates shall be filed with said county clerk, and a duplicate of such certificate or certificates shall within said three days also be filed with the mayor or other head of the governing body of the municipality. If the majority of the votes cast at any election on the question of appointing a commission under the provisions of this act shall be in favor of the appointment of a municipal plan and art commission, such municipal plan and art commission shall be appointed by the mayor or other head of the municipality, with the advice and consent of the council or other similar body in such municipality, within sixty days after the date of such election.

4. Between December fifteenth and December thirty-first in each year, every such commission appointed under the provisions of this act shall prepare and deliver to the mayor and council or other head of the municipality in which such commission exists, an itemized statement of the amount of money, if any, estimated to be necessary for the work of said commission for the coming calendar year from January first to December thirty-first inclusive, which statement shall be for the information of the mayor and council or other governing body of the municipality, which governing body in its discretion may appropriate in the same manner as other appropriations are made, the amount of such estimate or any portion thereof, and the amount so appropriated shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such municipality shall be assessed, levied and collected.

5. All questions concerning the location or acceptance of any public place, playground, parkway, street, avenue, highway, common, boulevard, square, park, or of the design, acceptance or location of any bridge, viaduct, street or park fixtures or structures, or any public building (including public library) or works of art, proposed to be erected either wholly or partly by public or private funds, for the benefit of the public in such municipality, shall be referred to such commission by the mayor and council or other similar governing body of such municipality for consideration and report before final action shall be taken thereon by the mayor and council or other similar governing body. If no report shall be made by said commission within sixty days after the receipt of such reference by the commission, the mayor and council or other similar governing body, may proceed without a report, as if this law had not been enacted. If a report shall be made by the commission, action by the mayor and council or other similar governing body in harmony with the recommendations of such report, may be taken by a majority vote, but no action by the mayor and council or other similar governing body adverse to the recom-

mendation of such report shall be valid, unless such action shall be taken by a two-thirds vote of the mayor and council or other similar governing body.

The term "works of art" as used in this section, shall apply to and include all monuments, fountains, mural decorations, sculptures, and all structures of a permanent character intended for ornament or commemoration.

This act shall take effect immediately.

Approved April 6, 1915. [Laws 1915, ch. 188.]

The above act has been amended by adding the following:

1. When any municipal plan and art commission appointed under the terms of the act to which this is a supplement determines in its judgment that it is advisable and for the best interests of the city, borough or other municipality in which it is appointed, to prepare plans for the systematic and further development and betterment of such municipality, it shall then be the duty of such municipal plan and art commission to prepare such plans, and in doing so the said municipal plan and art commission may consider and investigate any subject matter tending to the development and betterment of such municipality and make such recommendations as it may deem advisable concerning its government and for any purpose make or cause to be made surveys, plans or maps. It shall have the power and authority to employ experts and clerks and to pay for their services, and to pay for such other expenses as such commission may lawfully incur under the powers hereby granted, including the necessary disbursements incurred by its members in the performance of their duties as members of said commission, provided such disbursements shall have been authorized by such commission; and further provided, that the total amount so expended for all purposes in any one year shall not exceed the appropriation for such year as heretofore provided.

2. This act shall take effect immediately.

Approved March 17, 1916. [Laws 1916, ch. 175.]

New York

Section 1. The general municipal law is hereby amended by adding thereto a new article to be numbered twelve-a, to be entitled city and village planning commissions, and to read as follows:

Article 12-a

City and Village Planning Commission

Sec. 234. Creation, Appointment and Qualifications.
235. Officers, Expenses and Assistance.
236. General Powers.
237. Maps and Recommendations.
238. Private Streets.
239. Rules.
239-a. Construction of Article.

Sec. 234. *Creation, appointment and qualifications.* Each city and incorporated village is hereby authorized and empowered to create a commission to be known as the city or village planning commission. Such commission shall be so created in incorporated villages by resolution of the trustees, in cities by ordinance of the common council, except that in cities of the first class, having more than a million inhabitants, it shall be by resolution of the board of estimate and apportionment or other similar local authority. In cities of the first class such commission shall consist of not more than eleven, in cities of the second class of not more than nine, in cities of the third class and incorporated villages of not more than seven members. Such ordinance or resolution shall specify the public officer or body of said municipality that shall appoint such commissioners, and shall provide that the appointment of as nearly as possible one third of them shall be for a term of one year, one third for a term of two years, and one third for a term of three years; and that at the expiration of such terms, the terms of office of their successors shall be three years; so that the term of office of one third of such commissioners, as nearly as possible, shall expire each year. All appointments to fill vacancies shall be for the unexpired term. Not more than one third of the members of said commission shall hold any other public office in said city or village.

Sec. 235. *Officers, Expenses and Assistance.* The commission shall elect annually a chairman from its own members. It shall have the power and authority to employ experts, clerks, and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the annual appropriation that may be made by said city or village for said commission. The body creating the commission shall by ordinance or resolution provide what

compensation, if any, each of such commissioners shall receive for his services as such commissioner. Each city and incorporated village is hereby authorized and empowered to make such appropriation as it may see fit for such expenses and compensation, such appropriations to be made by those officers or bodies in such city or village having charge of the appropriation of the public funds.

SEC. 236. *General Powers.* The body creating such planning commission may, at any time, by ordinance or resolution, provide that the following matters, or any one or more of them, shall be referred for report thereon, to such commission by the board, commission, commissioner or other public officer or officers of said city or village which is the final authority thereon before final action thereon by such authority: the adoption of any map or plan of said city or incorporated village, or part thereof, including drainage and sewer or water system plans or maps, and plans or maps for any public water front, or marginal street, or public structure upon, in or in connection with such front or street, or for any dredging, filling or fixing of lines with relation to said front; any change of any such maps or plans; the location of any public structure upon, in or in connection with, or fixing lines with relation to said front; the location of any public building, bridge, statue or monument, highway, park, parkway, square, playground or recreation ground, or public open place of said city or village. In default of any such ordinance or resolution all of said matters shall be so referred to said planning commission.

The body creating such planning commission may, at any time, by ordinance or resolution, fix the time within which such planning commission shall report upon any matter or class of matters to be referred to it, with or without the further provision that in default of report within the time so fixed, the planning commission shall forfeit the right further to suspend action, as aforesaid with regard to the particular matter upon which it has so defaulted. In default of any such ordinance or resolution, no such action shall be taken until such report is so received, and no adoption, change, fixing or location as aforesaid by said final authority, prior thereto, shall be valid. No ordinance or resolution shall deprive said planning commission of its right or relieve it of its duty, to report, at such time as it deems proper upon any matter at any time referred to it.

This section shall not be construed as intended to limit or impair the power of any art commission, park commission or commissioner, now or hereafter existing by virtue of any provision of law, to refuse consent to the acceptance by any municipality of the gift of any work of art to said municipality, without reference of the matter, by reason of its proposed location or otherwise, to said planning commission. Nor shall this section be construed as intended to limit or impair any other power of any such art commission or affect the same, except in so far as it provides for reference or report, or both, on any matter before final action thereon by said art commission.

SEC. 237. *Maps and Recommendations.* Such planning commission may cause to be made a map or maps of said city or village or any portion thereof, or of any land outside the limits of said city or village so near or so related thereto that in the opinion of said planning commission it should be so mapped. Such plans may show not only such matters as by law have been or may be referred to the planning commission, but also any and all matters and things with relation to the plan of said city or village which to said planning commission seem necessary and proper. Including recommendations and changes suggested by it; and any report at any time made, may include any of the above. Such planning commission may obtain expert assistance in the making of any such maps or reports, or in the investigations necessary and proper with relation thereto.

SEC. 238. *Private Streets.* The body creating such planning commission may at any time, by ordinance or resolution provide that no plan, plot or description, showing the layout of any highway or street upon private property, or of building lots in connection with or in relation to such highway or street shall, within the limits of any municipality having a planning commission, as aforesaid, be received for record in the office of the clerk of the county where such real property is situated, until a copy of said plan, plot or description has been filed with said commission and it has certified, with relation thereto, its approval thereof. Such certificate shall be recorded as a part of the record of said original instrument containing said plan, plot or description. No such street or highway which has not received the approval of the planning commission shall be accepted by said city or village until the matter has been referred to such

commission under the provision of section two hundred and thirty-six of this article. But if any such street is plotted or laid out in accordance with the map of said municipality, adopted according to law, then it shall not be necessary to file such copy, or obtain or record such certificate.

SEC. 239. *Rules.* Such commission may make rules not contrary to law, to govern its action in carrying out the provisions of this article.

SEC. 239-a. *Construction of Article.* This article shall be construed as the grant of additional power and authority to cities and incorporated villages, and not as intended to limit or impair any existing power or authority of any city or village.

Any city or incorporated village in order to appoint a planning commission under this article shall recite, in the ordinance or resolution so creating the commission, the fact that it is created under this article.

SEC. 2. This act shall take effect immediately.

[Laws 1913, ch. 699.]

Ohio

Statutes, SEC. 4366–1. The council of each municipality may establish a city planning commission, consisting of seven members, the mayor, the service director, the president of the board of park commissioners, and four citizens of the municipality, who shall serve without compensation, and who shall be appointed by the mayor for a term of six years, except that the term of two of the members of the first commission shall be for three years. Whenever such a commission is appointed, it shall have all the powers conferred in section 4344 of the General Code.

SEC. 4366–2. The powers and duties of the commission shall be to make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which in the opinion of the commission bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable. Such maps or plans shall show the commissions' recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds, or any other public grounds or public improvements; and the removal, relocation, widening or extension of such public works then existing, with a view to the systematic planning of the municipalities, the commission may make recommendations to the mayor, council, and department heads concerning the location of streets, transportation and communication facilities, public buildings and grounds. The commission shall have the power to control, preserve and care for historical landmarks; to control in the manner provided by ordinance the design and location of statuary and other works of art, which are or may become the property of the municipality; and the removal, relocation and alteration of any such works belonging to the municipality; and the design of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances. Whenever the commission shall have made a plan of the municipality, or any portion thereof, no public building, street, boulevard, parkway, park, playground, public ground, canal, river-front, harbor, dock, wharf, bridge, viaduct, tunnel, utility (whether publicly or privately owned) or part thereof shall be constructed or authorized to be constructed in the municipality of said planned portion of the municipality until and unless the location thereof shall be approved by the commission; provided that in case of disapproval the commission shall communicate its reasons for disapproval to council, and the department head of the department which has control of the construction of the proposed improvement or utility; and council, by a vote of not less than two-thirds of its members and such department head shall together have the power to overrule such disapproval. The narrowing, ornamentation, vacation or change in the use of streets and other public ways, grounds and places shall be subject to similar approval, and disapproval may be similarly overruled. The commission may make recommendations to any public authorities or to any corporations or individuals in such municipality or the territory contiguous thereto, concerning the location of any buildings, structures or works to be erected or constructed by them.

SEC. 4366–3. The municipal planning commission shall be the platting commission of the municipality, and all the powers and duties provided by law for platting commissioner or commissioners of municipalities shall upon the appointment of a municipal planning commission under this act, be deemed transferred to such commission.

SEC. 4366–4. Council may authorize the commission to control the height, design and location of buildings.

SEC. 4366–5. The commission shall have power to control, appoint or employ such architects, engineers and other professional service, and to appoint such clerks, draughtsmen and other subordinates as it shall deem necessary for the performance of its functions; the expenditures for such service and employments to be within the amounts appropriated for such persons by the council of the municipality; and council shall provide for the expenses and accommodations necessary for the work of the commission.

SEC. 4366–6. This act shall take effect and be in force January 1, 1916.

Approved June 2nd, 1915.

Charter of City of Cleveland

SEC. 77. There shall be a city plan commission to be appointed by the mayor with power to control, in the manner provided by ordinance, the design and location of works of art which are, or may become, the property of the city; the plan, design and location of public buildings, harbors, bridges, viaducts, street fixtures and other structures and appurtenances; the removal, relocation and alteration of any such works belonging to the city; the location, extension and platting of streets, parks and other public places, and of new areas; and the preparation of plans for the future physical development and improvement of the city.

Ordinance of City of Cleveland

SEC. 4. Hereafter no public building, harbor, bridge, viaduct, street fixture, or other structure or appurtenance shall be located, constructed, erected, renewed, relocated, or altered until and unless such plan, design or location shall have been submitted to and approved by the commission; and no such work when completed shall be accepted by the city until and unless it shall have been approved by the commission as provided in sec. 77 of the City Charter.

Pennsylvania

SEC. 5. All plans, plots, or replots of lands laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits of a city of the third class or for a distance of three miles outside thereof, shall be submitted to the city planning commission and approved by it before it shall be recorded. And it shall be unlawful to receive or record such plan in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of any such plans by the city planning commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by entry, use, or improvement. No sewer, water, or gas-main, or pipes, or other improvement, shall be voted or made within the area under the jurisdiction of said commission, for the use of any such purchasers or owners; nor shall any permit for connection with or other use of any such improvement existing, or for any other reason made, be given to any such purchasers or owners until such plan is so approved. Where the jurisdictional limit of three miles outside of the city limits, as provided in this section, may conflict with the zone of similar character connected with another city of the third class, the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality.

Approved the 16th day of July, A. D. 1913. [Laws 1913, no. 406.]

Metropolitan Commissions

Massachusetts

In 1911, Massachusetts (Acts and Resolves, ch. 84) caused an investigation to be made as to the desirability of appointing a planning commission for the Metropolitan District of Boston and its vicinity, a report of which was made to the legislature of the state in 1912 (House Report No. 1615). That report recommended the appointment of such a commission and transmitted with its report a draft of an act (never passed) for that purpose, which is as follows:

SECTION 1. The governor, by and with the consent of the council, shall appoint three persons, and the mayor of Boston shall appoint two

persons, who shall constitute a board to be known as the Metropolitan Planning Board. The members of said board shall hold office for terms of five years each beginning with the first Monday in May in the year nineteen hundred and twelve. Upon the expiration of the terms of the members so first appointed the governor shall appoint three members, one to serve for five years, one for three years and one for one year, and the mayor shall appoint two members, one to serve for four years and one for two years. Thereafter the respective appointments by the governor and mayor shall be for terms of five years. The governor shall appoint the chairman of the said board.

SEC. 2. The jurisdiction and powers of said board shall extend to and may be exercised in the cities of Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, Melrose, Newton, Quincy, Somerville, Waltham, and Woburn, and in the towns of Arlington, Belmont, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Hingham, Hull, Milton, Nahant, Needham, Revere, Saugus, Stoneham, Swampscott, Wakefield, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, and Winthrop, and the said cities and towns together with any others that may be included by subsequent legislation shall constitute the metropolitan district within the meaning of this act.

SEC. 3. Except as hereinafter expressly provided nothing in this act shall be construed as affecting the powers now vested by law in any public authority.

SEC. 4. Duties and powers of the said board:

A. It shall be the duty of the said board to make or obtain surveys of the metropolitan district as herein defined, and for the purpose of making such surveys it shall have the right to do all reasonable and necessary acts.

B. It shall be the duty of the said board to make a comprehensive plan or series of plans for the present and probable future requirements of the metropolitan district in respect to a system of traffic thoroughfares and other main highways, transportation facilities of every sort suitably co-ordinated, sites for public buildings, parks, playgrounds and other public uses, and any and all public improvements tending to the advantage of the metropolitan district as a place of business and of residence.

C. It shall be the duty of the said board to study and, in its discretion, it may recommend such legislation applicable to the metropolitan district as will facilitate the prevention and relief of congestion of population and of traffic, the better control of fire hazard, the better distribution of areas and of buildings for the purposes of residence, manufacturing, trade and transportation, the preservation of the natural and historic features of the district, the beautifying thereof, the co-ordination of transportation facilities, the best method of financing and assessing the cost of public improvements or any other matter relating to a co-ordinated civic development within the said metropolitan district.

D. It shall be the duty of the said board to examine and make public reports upon all plans directly affecting the metropolitan district or more than one city or town therein made under authority of law, and for the purpose of such examination it shall be the duty of any existing public authority before making any contract or agreement for the execution of plans of character aforesaid for any public improvements within the metropolitan district to inform the Metropolitan Planning Board as to such plans and give the said board reasonable opportunity for examining the same. The said reports may specifically approve or disapprove of said plans in whole or in part as the said board may by its examination determine, and shall state the reasons for such approval or disapproval. Wherever it is possible and desirable to effect a co-ordination of the plans for improvements within the said metropolitan district of two or more agencies, whether now existing or hereafter created and with local or general jurisdiction, it shall be the duty of the said board to seek to effect such a co-ordination.

E. If in the opinion of the said board any plan for a public improvement proposed for execution by the legally constituted authority in any county, city or town within the district conflicts with some existing or proposed public improvement of metropolitan character the board shall so inform the executive of the said county, city or town, whereupon the said county, city or town may abandon the proposed improvement, or shall execute the same in accordance with the plan of the said Metropolitan Planning Board, or shall postpone action upon the question of execution for not less than one year, after which such lawful action may be taken as the said county, city or town through its legally constituted authority may deem expedient.

F. The said board shall have the power when

so requested by the authorities of any county, city or town within the said metropolitan district to furnish assistance for the making of plans or specifications or the supervision of the execution of public works at the cost of such assistance or supervision.

G. The board may place the question of the execution of any given metropolitan improvement within the limits of the metropolitan district before the government of each political unit in which such improvement is physically situated, and before any succeeding government in its discretion. It shall present estimates of cost with any plans for improvements whenever the question of execution is placed before public authorities. Every proposed improvement or any part thereof when accepted by the government of the municipal unit in which it is situated, or by any other constituted authority having power to make such improvement, or part thereof, shall be executed by such government or authority whether now existing or hereafter created.

Sec. 5. The approval by the board of any plan or plans accepted by municipal authorities or boards of county commissioners or submitted to said Metropolitan Planning Board as hereinbefore provided, may in set terms designate and classify the improvements therein shown or any portion of them as ordinary or extraordinary metropolitan improvements. The cost of ordinary metropolitan improvements executed under the provisions of this act shall be paid as follows: sixty-five per cent by the municipality or municipalities in which the improvement is physically situated; twenty-five per cent by the remaining cities and towns constituting the said district in proportions determined by the commission appointed by the supreme judicial court as hereinafter provided and ten per cent by the commonwealth. The cost of extraordinary metropolitan improvements executed under the provisions of this act shall be paid as follows: such proportion thereof, not exceeding sixty-five per cent, as may be determined by the said commission appointed by the supreme judicial court as aforesaid, by the municipality or municipalities in which the improvement is physically situated; such amount, not less than twenty-five per cent thereof, as may be determined by the aforesaid commission by the remaining cities and towns constituting the said district, in proportions determined as aforesaid and ten per cent by the commonwealth.

Sec. 6. To meet the cost of the improvements executed in accordance with the provisions of this act, the treasurer and receiver general shall upon application of the Metropolitan Planning Board, issue scrip or certificates of debt in the name and on behalf of the commonwealth and under its seal to the amount annually necessary for five years from the date of the first of such applications. In no one year shall the proportion to be paid by the commonwealth as its part in the expenses authorized by section five of this act exceed five hundred thousand dollars and the amount of scrip or certificates of debt issued in any one year as aforesaid shall be limited accordingly. All loans issued by the commonwealth in accordance herewith shall be serial loans and shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. Such scrip or certificates of debt shall be designated on the face as the Metropolitan Planning Board Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States; and said scrip or certificates of debt shall be sold and disposed of at public auction or in such other mode and at such times and prices, and in such amounts and at such rates of interest as the governor and council shall deem best. Any premium realized on the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Sec. 7. The supreme judicial court sitting in equity shall in the year nineteen hundred and twelve and every year thereafter on the application of the Metropolitan Planning Board, or of the attorney of any of the cities or towns in the metropolitan district, and after notice to each of said cities and towns, appoint three commissioners, neither of whom shall be a resident of any of said cities or towns, who shall, after such notice and hearing as they shall deem just and equitable, determine the proportions in which each of said cities and towns shall pay money into the treasury of the commonwealth for the year following that in which the application is made to meet the interest, serial loan requirements, expenses, including the expenses of administration, and cost for such year. Said

commission shall make such apportionment on or before the first day of March in each year. The said commissioners shall determine the several amounts to be paid by the cities and towns of the metropolitan district other than those in which ordinary or extraordinary improvements are situated to the aggregate amount of twenty-five per cent of the total cost of improvements classified as ordinary. In the case of improvements classified as extraordinary, they shall also determine how far, if at all the proportion of the total cost of such improvements to be paid by the municipalities in which they are physically situated shall be reduced below sixty-five per cent and correspondingly increased as regards some or all of the remaining municipalities comprising the metropolitan district. The proportion to be ultimately payable by the commonwealth shall be ten per cent of the total cost whether for ordinary or extraordinary improvements. The amounts severally to be paid by the separate municipalities shall be apportioned by the said commissioners on the basis of benefit in each case and with due account of population, valuation and any other thing which, in the opinion of the said commission, should affect the said proportional contributions: *provided, however,* that nothing herein shall be construed to change the apportionment of the cost for public improvements to which the commonwealth already contributes under existing laws.[1]

SEC. 8. Said board may appoint such office and technical assistants as it seems necessary to carry out the purposes of this act. It shall determine the duties and compensations of such appointees and remove them at pleasure. It shall be supplied with a suitable office or offices for its work and for its maps, plans, documents and records. The chairman of the said board shall receive a salary of ten thousand dollars a year and each of the other four members thereof shall receive a salary of one thousand dollars a year. The salaries of the commissioners and their appointees and the expenses of administration shall be paid from the treasury of the commonwealth and shall be thereafter assessed ninety per cent thereof upon the cities and towns of the metropolitan district as herein defined in proportions to be determined by a commission appointed by the supreme judicial court sitting in equity as hereinbefore provided and ten per cent by the commonwealth. On or before the second Wednesday of January in each year said board shall make a report in print of its proceedings to the general court together with a full statement of its receipts and disbursements, and the said board may make such additional reports in print or otherwise from time to time as it may deem expedient.

SEC. 9. The treasurer of the commonwealth shall in the year nineteen hundred and twelve and in each year thereafter estimate, in accordance with the proportions determined and returned as aforesaid, the several amounts required during the year beginning with the first day of January from the cities and towns aforesaid, to meet said interest, serial loan requirements, salaries, expenses, including expenses of administration and cost for each year, and deficiency, if any, and shall include the amount required from a city or town in, and make it a part of, the sum to be paid by such city or town as its annual state tax and the same shall be paid by the city or town into the treasury of the commonwealth at the time required for the payment, and as a part of its state tax.

SEC. 10. This act shall take effect upon its passage so far as it affects the appointment of the members of the Metropolitan Planning Board and in all other respects this act shall take effect on the first day of , nineteen hundred and twelve.

[1] A study of the apportionment of assessments according to benefits, between the city as a whole, the various boroughs of the city, and the land owners, will reveal some analogy between it and the apportionment here suggested. See Charter, sec. 972–973 (in New York City).

Pennsylvania

WHEREAS, The establishment of Suburban Metropolitan Planning Commissions having jurisdiction over territory adjacent to cities of the first class is desirable, in order to provide for its proper development by the co-operation of the various local governmental units in matters pertaining to their common welfare; and

WHEREAS, It is desirable, that there should be co-ordination of effort with Urban Metropolitan Planning Commissions, relating to cities of the first class themselves, wherever the same may exist:

SECTION 1. Be it enacted, etc., That in order to secure co-ordinated, comprehensive plans of highways and roads, parks and parkways, and all other means of inter-communication, water-supply, sewerage and sewage disposal, collection

and disposal of garbage, housing, sanitation and health playgrounds, civic centers, and other public improvements, as hereinafter provided for, the districts surrounding and within twenty-five miles of the limits of cities of the first class, whether in one or more counties, and in order to prevent waste by unnecessary duplication, the areas included within twenty-five miles of the limits of cities of the first class shall be denominated the Suburban Metropolitan Districts of cities of the first class of Pennsylvania. When any city, borough or township is partly within and partly without the twenty-five mile limit, the whole of such city, borough, or township shall be regarded as within the Suburban Metropolitan District.

SEC. 2. There shall be an executive department created for every Suburban Metropolitan District, to be known as the Department of Suburban Metropolitan Planning, which shall be in charge of a Suburban Metropolitan Planning Commission.

SEC. 3. The Suburban Metropolitan Planning Commission shall be appointed by the Governor of the State of Pennsylvania, and shall consist of fifteen members, who may or may not hold other public office, whether for profit or otherwise, of whom twelve shall be residents of the district involved, and three shall be residents of the said city of the first class, five members to be appointed to serve for one year, five for two years, five for three years; then, thereafter, each appointment to be for three years.

An appointment to fill a casual vacancy shall be for the unexpired portion of the term. Nine shall constitute a quorum.

The Suburban Metropolitan Planning Commission shall make and alter rules and regulations for its own organization and procedure, consistent with the laws of the Commonwealth. From its own members it shall choose a chairman and vice-chairman. Each member shall serve without compensation. On or before January tenth of each and every year, the commission shall make to the mayor of each city, to councils of each borough, to the commissioners of each first class township, and to the supervisors of each second class township, within the Suburban Metropolitan District, to the mayor of the said city of the first class, and to the Governor of the State of Pennsylvania, a report of its transactions and recommendations. The commission may employ a secretary, engineers, and other experts and persons, whose salaries and wages, as well as all the other necessary expenses of the commission and members thereof, shall be provided for as hereinafter set forth.

SEC. 4. The Suburban Metropolitan Planning Commission shall make, or cause to be made, and laid before the respective governmental authorities of the district, and, in its discretion, cause to be published, a map or maps of the entire district, or any portion or portions thereof, showing any or all systems of transportation, highways and roads, parks, parkways, water-supply, sewerage and sewage disposal, collection and disposal of garbage, housing, sanitation, playgrounds and civic centers, or of other natural physical features of the district: and it shall prepare plans for any new or enlarged facilities for intercommunication, parks, parkways, water-supply systems, sewers, sewage disposal, garbage disposal, land plottings and housing arrangements, playgrounds and civic centers, or any other public improvement that will affect the character of the district as a whole, or more than one political unit within the district, or any widening, extension or relocation of the same, or any change in the existing township or borough or city plans, by it deemed advisable. And it shall make recommendations to the respective governmental authorities, from time to time, concerning any such matters or things aforesaid, for action by the respective legislative, administrative, or governmental bodies thereon; and in so doing have regard for the present conditions and future needs and growth of the district, and the distribution and relative location of all the principal and other streets, and railways, waterways, and all other means of public travel and business communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use, and the planning, subdivision and laying out for urban uses of private grounds brought into the market from time to time.

SEC. 5. Any city, borough, or township, within any Suburban Metropolitan District, may request the Suburban Metropolitan Planning Commission of that district to prepare plans concerning any of the subjects set forth in section four of this act; whereupon it shall be the duty of the Commission to prepare such plans with dispatch.

SEC. 6. The Suburban Metropolitan Planning Commission may make recommendations to any public authorities or any corporation or

individual in said districts, with reference to the location of any buildings and structures to be constructed by them.

SEC. 7. The plans so made and laid before the respective governmental authorities by the Suburban Metropolitan District Planning Commission, according to sections four, five and six, shall be considered by such respective authorities, and followed by them in so far as shall be determined by each authority: *provided, however,* that the provisions of this act shall not abridge or in any way affect the provisions of an act, entitled "An act creating a Department of Health and defining its powers and duties," approved the twenty-seventh day of April, Anno Domini, one thousand nine hundred and five; or the provisions of an act, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," approved the twenty-second day of April, one thousand nine hundred and five.

SEC. 8. On or before January tenth of each and every year, the commission shall prepare an estimate of its expenses for the ensuing year, setting forth with as much detail as is practicable the items of which such estimate is composed; and shall cause the amount of its expenses so estimated, after deducting the cash on hand and the unpaid assessments, to be assessed against the cities, boroughs, and townships within the district, in proportion to their respective tax duplicates. The itemized estimate of expenses and a statement of the rate of assessment shall be spread upon the minutes of the Commission, which shall be kept open at all times for public inspection. Each and every assessment, when certified by the chairman and secretary of the commission, shall constitute a charge on the treasury of the respective city, borough, and township, and its immediate payment shall be at once provided for. The commission shall have power to secure payment of the assessment by suits of mandamus, or otherwise; *provided,* that the rate of assessment shall not exceed one-tenth of one mill.

Approved the 23d day of May, A. D. 1913. [Laws 1913, No. 226, repealed in 1915.]

County Commission

New Jersey, Laws 1918, Chapter 185, Art. XVI:

SEC. 1601. Every board of chosen freeholders shall have power to prepare and adopt a plan for the betterment and the systematic development of the county, and shall have power and authority to employ experts and to pay for their services, and to pay such other expenses as may be necessary for the making of such plan.

SEC. 1602. Every board of chosen freeholders may, by resolution, provide for the establishment of a commission consisting of not more than seven citizens of such county to act as a county plan commission. Such commission, if established, shall have all the power and authority conferred upon boards of chosen freeholders by this article, except that the said commission may expend only such sums as may be appropriated for such purpose by the board of chosen freeholders.

SEC. 1603. Every board of chosen freeholders adopting any such plan, or any county plan commission appointed hereunder, shall endeavor to cause all municipalities within the county, and adjoining it, to co-operate in the laying out of roads and boulevards and in the betterment and the systematic development of the county.

Capital City Commission

California

SECTION 1. There shall be a state capital planning commission composed of the governor, and state librarian, *ex-officio* members, and three members to be appointed by the governor, at least one of whom shall be a recognized expert in the planning of cities and towns. Appointive members of this commission shall serve without pay and shall hold office in the first instance for terms respectively for two years, four years, and six years and until their successors have been appointed and qualified. Their successors shall serve for terms of six years each and appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Three shall be a quorum. They may make and alter rules and regulations for their own procedure consistent with the laws of the state. They shall consider all matters in city planning affecting the future needs of the state and the relation of the state plans to those of the capital city.

SEC. 2. They shall confer and advise with the city planning body of the capital city concerning all matters affecting the metropolitan district in and about the said capital city and for a distance within fifteen miles outside the cor-

porate limits of the said city. They shall make recommendations to the governing bodies of all political units within this area and to the governor with regards to all matters of interest to the state in and concerning its capital city with reference to its system of roads, boulevards and thoroughfares, street railway systems, smoke prevention, parks, parkways and playgrounds, water supply, sewage and sewage disposal, collection and disposal of garbage, civic centers, or of other natural or artificial physical features of the district, and of location proposed by it for any new or enlarged thoroughfares, street railway system, union depot, parks, parkways, playgrounds, water supply systems, sewers, sewage disposal plant, garbage disposal plant and civic centers, or any other public improvement that will affect the character of the district as a whole, to political units within the district. It may make recommendations to the state, city or district governmental authorities, from time to time concerning any such matters or things aforesaid for action by the respective legislative, administrative or governing bodies thereof. In so doing they shall have regard for the present conditions and future needs and growth of the district, and the distribution and relative location of all the principal and other streets and railways, waterways, and all other means of public travel and business communication, as well as the distribution and relative location of all public buildings, public grounds and open spaces devoted to the public use, and the planning and laying out for urban uses of private grounds brought into the market from time to time.

SEC. 3. The state capital planning commission shall make an annual report to the governor which the secretary of state shall cause to be printed as a public document and copies of this report shall be filed with each and every governing body in the district under supervision.

[Statutes 1915, p. 1514.]

State Planning Bureau

Pennsylvania

SECTION 1. Be it enacted, etc., That the Secretary of Internal Affairs shall establish in the said Department of Internal Affairs a Bureau of Municipalities. The said bureau shall gather, classify, index, make available, and disseminate data, statistical information, and advice that may be helpful in improving the methods of administration and municipal development in the several municipalities of the commonwealth; and shall maintain, for the benefit of the municipalities, a publicity service to install or assist in the installation and establishment of modern systems of accounting in the various municipalities of the state, and in order to promote a comprehensive plan or series of plans for the probable future requirements of cities, boroughs, or townships of the commonwealth, either separately or jointly, in respect to a system of traffic thoroughfares and other highways or main highways, transportation of every sort, suitably co-ordinated sites for public buildings, parks, parkways, playgrounds, and other public uses, the preservation of natural and historic features, and any and all public improvements tending to the advantage of municipalities or townships affected, tending to their advantage as a place of business and residence, and to either make or secure or assist in making or securing the necessary surveys, plans, and information.

SEC. 2. The Secretary of Internal Affairs is hereby authorized to employ a Chief of Bureau of Municipalities, who, in his judgment shall be qualified to perform the duties herein described. He is also authorized to employ such engineering, accounting, clerical, stenographic, and other expert service, relating to the gathering of information, its distribution and publication and other duties incident to the purpose of the bureau, or transfer to such duties in this bureau as he may find advisable the work and services of other bureaus or of others employed in the Department. The salaries of the employes appointed under the provisions of this act shall be fixed by the Secretary of Internal Affairs, and shall be paid from the funds appropriated to the said Department of Internal Affairs.

SEC. 3. It is hereby made the duty of every city, borough, township, or county official, to furnish such information as may be requested by the Chief of the Bureau of Municipalities or his duly authorized deputy.

SEC. 4. The act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and eighty-nine), entitled "An act creating a division of Municipal Statistics and Information in the Department of Labor and Industry, and fixing the compensation of officers and employes therein," as amended by the act of July nineteenth, nineteen hundred and seventeen (Pamphlet Laws, one

thousand one hundred and eleven), is hereby repealed.

SEC. 5. This act shall become effective on the sixth day of May, Anno Domini nineteen hundred and nineteen.

Approved the 4th day of April, A. D. 1919. [Laws 1919, No. 34.]

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